LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

THIRTY-NINTH SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE 8TH DAY OF JANUARY, A. D. 1857.

BY AUTHORITY.

INDIANAPOLIS:
JOSEPH J. BINGHAM, STATE PRINTER.
1857.

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LAWS.

CHAPTER I.

AN ACT legalizing the acknowledgment of all deeds and mortgages, and other instruments required to be recorded, taken and certified by Justices of the Peace, to whom commissions have been regularly issued by mistake, before the expiration of the term of office of their predecessors.

[APPROVED FEBRUARY 19, 1857.]

WHEREAS, Some of the Justices of the Peace of this State have been, by mistake, duly commissioned to exercise the duties of their office before the expiration of the term of their predecessors, and have taken and certified the acknowledgments of divers deeds, mortgages, and other instruments required to be recorded, before the legal commencement of their said office; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acknowledgment of all deeds of conveyance, mortgages, and all other instruments required to be recorded, taken and certified by any justice of the peace of this State, to whom a commission had been duly issued by mistake, before the expiration of the term of his predecessor, be, and the same are hereby legalized, and all such acknowledgments, and the recording of such deeds, mortgages, and other instruments, in pursuance thereof, are hereby declared te be valid and effectual to all intents and purposes.

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CHAPTER II.

AN ACT authorizing the appointment of Special Administrators, and prescribing their duties in certain cases.

[APPROVED FEBRUARY 19, 1857.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any person shall have died testate, and notice of contest of the will of said testator shall have been given, as required by law, it shall be lawful for the proper court to appoint a Special Administrator, who shall proceed to collect the debts due said testator, by suit or otherwise, and to sell the personal property of said testator, and also to pay the claims against his estate, in the same manner and under the same regulations as are now required of administrators of intestates, so far as the same may be done consistent with the terms of such will.

SEC. 2. Inasmuch as there is no law in force in this State authorizing the sale of the personality of decedents, and the payment of their debts pending cases for the contesting of wills; therefore, it is declared that an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER III.

AN ACT to amend the second section of an act, entitled "An act prescribing the duties and fixing the compensation of Agent of State," approved June 17, 1852.

[APPROVED FEBRUARY 19, 1857.]

Sec. 2 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act, entitled "An act prescribing the duties and fixing the compensation of State Agent," which is in the words following, to-wit:

"Sec. 2. Before entering on the duties of his office, such agent shall take an oath to support the constitution of the United States, and of this State, and to faithfully discharge his official duties; and shall give bond with sureties, to be approved by the Governor, payable to the State of Indiana, in a penalty of fifty thousand dollars, conditioned for the faithful discharge, according to law, of his duties as such agent," be amended so as to read as follows, to-wit:

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SEC. 2. Before entering on the duties of his office, such agent shall take an oath or affirmation, to support the constitution of the United States, and of this State, and to faithfully discharge his official duties, and shall give bond in the sum of one hundred and fifty thousand dollars, payable to the State of Indiana, with sufficient freehold sureties resident within said State, to be approved by the Governor, conditioned for the faithful discharge, according to law, of all the duties of such agency, and said bond shall be deposited, by the Governor, in the office of the Secretary of State; and it shall be the duty of the State Agent acting at the date of the passage of this act, to give additional bond in the manner aforesaid, in the sum of one hundred thousand dollars, conditioned as aforesaid; and if such agent shall fail or refuse, for the period of three months thereafter, to give such additional bond, his office shall thereafter be vacant, and the Governor shall appoint a successor. How amended.

SEC. 2. Whereas the bond now required to be given by said agent is insufficient to secure the funds of the State entrusted to his keeping and management, an emergency exists requiring the immediate taking effect of this act, and the same shall therefore be in force from and after its passage. Emergency.

CHAPTER IV.

AN ACT to amend the 23d section of an act, entitled "An act concerning trespassing animals and partition fences."

[APPROVED MARCH 4, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section twenty-three of an act, entitled "an act concerning trespassing animals and partition fences," which reads as follows, to-wit:

"When any party shall cease to use his lands, or shall lay open his enclosure, he shall not take away any part of the fence which forms a partition fence between him and the enclosure of any other person, if the owner or occupant will pay to such party the reasonable value of such partition fence," is hereby amended to read as follows:

When any party shall cease to use his lands, or shall lay open his enclosures, he shall not take away any part of his fence which forms a partition fence between him and the enclosure of any other person, until he shall

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have first given six months notice to such person or persons as may be interested in the removing of said fence, of his intention to remove the same.

CHAPTER V.

AN ACT to apportion Senators and Representatives for the next four years.

[APPROVED MARCH 9, 1857.]

Number of Districts and Senators.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of electing Senators to the General Assembly of said State, the same shall be, and is hereby divided into fifty districts, and that each district be entitled to one Senator, as follows, to-wit: The counties of Posey and Vanderburgh one; Warrick, Spencer and Perry one; Crawford and Orange one; Floyd one; Washington and Harrison one; Clark and Scott one; Jefferson one; Ohio and Switzerland one; Gibson, Pike and Dubois one; Knox and Daviess one; Martin and Lawrence one; Monroe and Brown one; Greene and Owen one; Vigo and Sullivan one; Clay and Putnam one; Parke and Vermillion one; Johnson and Morgan one; Jennings and Jackson one; Bartholomew one; Ripley one; Decatur one: Dearborn one; Franklin one; Fayette and Union one; Rush one; Wayne one; Henry one; Shelby and Hancock one; Madison and Grant one; Marion one; Hendricks and Boone one; Montgomery one; Fountain one; Tippecanoe one; Warren, Benton and White one; Clinton and Carrol one; Cass, Howard and Pulaski one; Hamilton and Tipton one; Randolph one; Delaware and Blackford one; Adams, Wells and Jay one; Whitley and Huntington one; Miami and Fulton one; Allen one; Wabash and Kosciusko one; Noble, DeKalb and Steuben one; Lagrange and Elkhart one; St. Joseph and Marshall one; Laporte and Starke one; Lake, Porter and Jasper one.

Districts and number of Representatives.

SEC. 2. That the House of Representatives shall be composed of one hundred members, which shall be, and are hereby apportioned among the several counties of said State as follows, to-wit: Posey county shall be entitled to elect one; Vanderburgh one, and Posey and Vanderburgh one jointly; Warrick one; Spencer one; Perry one; Crawford one; Orange one; Floyd one;

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Harrison one; Washington one, and Harrison and Washington one jointly; Clark one; Scott one; Jefferson two; Ohio and Switzerland one jointly; Gibson one; Pike one; Dubois one; Knox one; Daviess one; Martin one; Lawrence one; Monroe one; Brown one; Greene one; Owen one; Vigo two; Sullivan one; Clay one; Putnam two; Parke one; Vermillion one; Johnson one; Morgan one, and Johnson and Morgon one jointly; Jennings one; Jackson one; Bartholomew one; Ripley one; Decatur one; Dearborn two; Franklin one; Fayette and Union one; Rush one; Wayne three; Henry one; Shelby one; Hancock one; Shelby and Hancock one jointly; Madison one; Marion two; Hendricks one; Boone one; Hendricks and Boone one jointly; Montgomery one; Fountain one; Tippecanoe two; Warren one; Benton and White one jointly; Clinton one; Carroll one; Cass one; Jasper and Pulaski one jointly; Hamilton and Tipton one; Grant one; Howard one; Randolph one; Delaware one; Adams one; Wells and Blackford one jointly; Jay one; Whitley and Huntington one jointly; Miami one; Fulton one; Allen two; Wabash one; Kosciusko one, and Wabash and Kosciusko one jointly; Noble one; Dekalb one; Steuben one; Lagrange one; Elkhart one, and Lagrange and Elkhart one jointly; St. Joseph one; Marshall and Starke one jointly; Laporte two; Lake one; Porter one.

CHAPTER VI.

AN ACT making specific appropriations for the year 1857.

[Approved March 9, 1857.]

Principal and assistant secretary of the Senate, and principal and assistant clerk of the House of Representatives, and such assistants as were necessarily employed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretaries of the Senate, and the principal and assistant clerks of the House of Representatives, shall each be allowed the sum of four dollars per day, for every day they may have served as such in connection with the business of the two Houses, during the present session of the General Assembly; and that such assistants as may have been necessarily employed by them, be allowed the sum of four dollars for each day so employed, to be ascertained and certified by the said sec-

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retaries of the Senate, and the clerks of the House of Representatives, respectively.

Doorkeeper and first assistant of Senate and House and assistant door keepers who waited on com. Ways and Means, &c.

SEC. 2. That the doorkeepers and first assistant doorkeepers of the Senate and House of Representatives, and the assistant doorkeepers who waited on the committee on ways and means, and elections, be allowed, respectively, four dollars per day for each day they may have served as such, to be certified by the presiding officers of the two Houses, respectively; but if any clerk shall have served on more than one committee on the same day, he shall receive pay but for one committee; nor shall any clerk receive pay for more than sixty-one days.

Assistant doorkeepers of Senate and House, and clerks of committees, &c.

SEC. 3. That the assistant doorkeepers of the Senate and House of Representatives, be allowed four dollars for each day they may have served as such; and the clerks of committees of each House shall each receive three dollars per day during the time they have been actually employed as such, except the clerk of the committee of ways and means, and on elections, the judiciary committee of the House of Representatives, and the clerks of the committee on finance, of the judiciary, and of the select committee on alleged bank frauds of the Senate, who shall each receive four dollars per day. The number of days which the assistant doorkeepers have served shall be certified by the doorkeepers of their respective Houses, and the number of days that the clerks of the committees shall have been employed shall be certified by the chairmen of the several committees.

Principal clerk of House for superintending printing journal, &c.

SEC. 4. That the principal clerk of the House, for superintending the printing, and reading the proofs of the House Journal, and preparing an index for the same, be allowed the sum of one hundred dollars.

Principal sec'y of Senate for superintending printing journals, &c.

SEC. 5. That the principal secretary of the Senate, for superintending the printing, and reading proofs of the Senate Journal, and preparing an index for the same, be allowed the sum of one hundred dollars.

J. D. Bonell.

SEC. 6. That J. D. Bonell, sheriff of Lake county, Indiana, be allowed the sum of one hundred and fifty-five dollars, for money expended and time consumed in pursuing, arresting, and taking to the penitentiary, David Krooman, for murder.

John S. Rooker.

SEC. 7. That John S. Rooker be allowed the sum of twenty dollars, for repairs to the State House.

Theodore Day.

SEC. 8. That the sum of sixty-five dollars be allowed to Theodore Day, as a compensation for moneys expended in the pursuit and arrest of one Christian Dinkerbecker, a horse thief.

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SEC. 9. That the fees of the justices of the peace, notaries public, sheriffs, constables, clerks and witnesses in taking depositions in said election cases prior to the meeting of the Legislature, as the same have been certified in said depositions now on file before the House committee, be paid. Fees of justices of the peace, notaries public, sheriffs, &c., in election cases.

SEC. 10. That Benjamin Newland be allowed twelve dollars and eighty cents, for per diem and mileage, in attending as a witness before bank investigating committee of the Senate. Benj. Newland.

SEC. 11. That P. M. Kent be allowed thirty dollars and twenty cents, for per diem and mileage, in attending as a witness before the bank investigating committee of the Senate. P. M. Kent.

SEC. 12. That Cornelius Ratliff be allowed ten dollars and eighty cents, for per diem and mileage, in attending as a witness before the bank investigating committee of the Senate. Cornelius Ratl...

SEC. 13. That the sum of one hundred dollars be allowed to Benjamin P. Fuller for arresting Ira Watts, who was charged and convicted of murder. Benjamin P. Fuller.

SEC. 14. That Ellmore J. Walker be allowed the sum of one hundred and eleven dollars for money expended in arresting Sandy Holeman a fugitive from justice. Ellmore J. Walker.

SEC. 15. That A. Lovering, judge of the Clark county court of common pleas, be allowed the sum of fifty dollars for hearing and determining thirty-seven cases of habeas corpus, sued out by convicts in the Indiana State Prison. A. Lovering.

SEC. 16. That Thomas Akers be allowed the sum of three hundred dollars, for pursuing, arresting, and bringing from Canada, Alexander Carter, who was convicted of murder. Thos. Akers.

SEC. 17. That Charles Seely be allowed the sum of four hundred and ninety-nine dollars for pursuing and arresting a fugitive from justice. Charles Seely.

SEC. 18. That Gen. D. Reynolds be allowed the sum of twenty-six dollars for office rent for Adjutant General. Gen. D. Reynolds.

SEC. 19. That all witnesses who have been summoned and have attended before the committee on elections of the House, be allowed the usual fees for attendance on circuit courts, and that the sergeant-at-arms be allowed the usual fees and mileage of sheriffs, the same to be certified by the chairman and attested by the clerk of said committee. Witnesses before the com. on elections of the House and sergeant-at-arms.

SEC. 20. That Tim. Kernan be allowed the sum of twenty-eight dollars and ten cents, for carrying mails to and from the capitol, and drayage. Tim Kernan.

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Elder & Harkness. SEC. 21. That Elder and Harkness be allowed the sum of seventy-seven dollars and sixty-two cents, for the Locomotive for the Legislature at this session.

J. M. Talbott & Co. SEC. 22. That J. M. Talbott & Co. be allowed the sum of six dollars and thirty-eight cents for stationery, furnished for the use of the Senate.

Stewart & Bowen SEC. 23. That Stewart & Bowen be allowed the sum of two hundred and twenty-two dollars and seventy-five cents for stationery furnished for the use of the Senate.

R. L. & A. W. McOuat. SEC. 24. That R. L. & A. W. McOuat be allowed the sum of twenty-nine dollars for articles furnished for the use of the Senate.

Wright & Bro. SEC. 25. That Wright & Brother be allowed the sum of thirty-seven dollars for furniture furnished for the use of the Senate.

John Ott. SEC. 26. That John Ott be allowed the sum of thirty-six dollars for one chair, furnished for the use of the Senate.

Jacob Lindley. SEC. 27. That Jacob Lindley be allowed the sum of nineteen dollars and seventeen cents for articles furnished for the use of the Senate.

C. O. Howard. SEC. 28. That C. O. Howard be allowed the sum of five dollars for attending to and keeping the clock in repair in the Senate chamber.

J. F. Ramsey. SEC. 29. That J. F. Ramsey be allowed the sum of two dollars for table furnished for the use of the Senate, as per bill filed.

H. S. Kellogg. SEC. 30. That H. S. Kellogg be allowed the sum of three dollars and fifty cents for sundries furnished for the use of the Senate, as per bill filed.

Clemens & Vonnegut. SEC. 31. That Clemens & Vonnegut be allowed the sum of four dollars and thirty cents for sundries furnished for the use of the Senate, as per bill filed.

Calvin Compton. SEC. 32. That Calvin Compton be allowed the sum of seventy-five dollars, for services rendered in pursuing and capturing a fugitive from justice, who was sentenced to the penitentiary.

Jas. B. Fulwiler. SEC. 33. That Jas. B. Fulwiler, of Miami county, be allowed the sum of four hundred and forty-five dollars and eighty-seven cents, for arresting Brough, an escaped convict from the jail in the county of Miami, who broke jail three times, and finally escaped.

Pierce & Nesbitt. SEC. 34. That Pierce & Nesbitt be allowed the sum of one hundred and eighty-one dollars and thirty cents, for reclaiming a fugitive from justice.

Cameron & McNeely. SEC. 35. That Cameron & McNeely be allowed the sum of two dollars for printing twenty cards for the use of the Senate.

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SEC. 36. That J. M. Talbott & Co. be allowed the sum of seventy-six dollars and twenty-three cents for sundries furnished the House this session. J. M. Talbott & Co.

SEC. 37. That J. D. Bonell, sheriff of Lake county, be allowed the sum of one hundred dollars for arresting and conveying Benjamin D. Butts, a fugitive from justice, from Illinois to Lake county, Indiana. J. D. Bonell.

SEC. 38. That Larry Kennedy be allowed one hundred and eighty-three dollars for services in and about the State House during the present session. Larry Kennedy.

SEC. 39. That Messrs. Douglass, Mercer, Lewis, Kerr, and Wallace be allowed the sum of sixteen dollars and fifty cents each, for mileage and expenses visiting the State Prison. Messrs. Douglass, Mercer, Lewis, Kerr, and Wallace.

SEC. 40. That the sum of one hundred dollars be allowed to Wallace Faris, for pursuing and recapturing Charles Talbott, a fugitive from justice. Wallace Faris.

SEC. 41. That W. B. Loughridge be allowed the sum of thirty-three dollars for mileage and attendance, as witness for the Huntington county contested election case at the last session. W. B. Loughridge.

SEC. 42. That the Indianapolis Journal Company be allowed the sum of nine hundred and forty-six dollars and forty cents, for papers furnished the House and Senate. Journal Company.

SEC. 43. That the Sentinel Company be allowed the sum of nine hundred and forty-six dollars and forty cents, for papers furnished to the House and Senate. Sentinel Company.

SEC. 44. That Frederick Burgtorf be allowed the sum of one hundred and thirteen dollars and eighty-five cents for repairs of State House. Fred. Burgtorf.

SEC. 45. That for fuel furnished the Governor's house, furniture, etc., by the late Governor, and all matters connected therewith, be referred to the Governor, Treasurer, and Auditor of State, to make such equitable adjustment as they may deem proper and right. Governor's house

SEC. 46. That Julius Boetticher be allowed the sum of two hundred and eighteen dollars and forty cents, for the Volksblatt during the session. Julius Boetticher.

SEC. 47. That Elijah Newland be allowed the sum of fifteen dollars for five days services, John D. Ferguson fifteen dollars for five days services, and Royal Mayhew six dollars for two days services, James R. M. Bryant twelve dollars for four days services, as witnesses in attendance upon the committee for the investigation of the over issue of treasury notes. Elijah Newland, John D. Ferguson, Royal Mayhew, and James R. M. Bryant.

SEC. 48. That John Briggs be allowed seventeen dollars and twenty cents for per diem and mileage in John Briggs.

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attending as a witness before the bank investigating committee of the Senate.

T. L. Smith. SEC. 49. That Thos. L. Smith be allowed forty-one dollars and twenty cents, [for] attendance and mileage as a witness before the investigating committee of the Senate.

D. G. Rose. SEC. 50. That D. G. Rose be allowed twenty-five dollars attendance and mileage as a witness before the investigating committee of the Senate.

M. G. Coffin. SEC. 51. That M. [W.] G. Coffin be allowed fourteen dollars and fifty cents for mileage and attendance as witness before investigating committee of the Senate.

A. M. Puett. SEC. 52. That Austin M. Puett be allowed fourteen dollars and fifty cents attendance and mileage as a witness before the investigating committee of the Senate.

John L. Robinson. SEC. 53. That John L. Robinson be allowed twenty-four dollars and fifty cents for attending as a witness before the investigating committee of the Senate.

Samuel Bazard. SEC. 54. That Samuel Bazard be allowed twenty-seven dollars and twenty cents for per diem and mileage in attending as a witness before the bank investigating committee of the Senate.

B. F. Murphy. SEC. 55. That B. F. Murphy be allowed eleven dollars for per diem and mileage in attending as a witness before the bank investigating committee of the Senate.

D. L. Case. SEC. 56. That D. L. Case be allowed the per diem and mileage of a member of this Senate.

Richard Henninger. SEC. 57. That Richard Henninger be allowed the sum of one hundred and thirty-eight dollars for the Free Press to the House during the present session.

Sergeant-at-arms and assistants of Senate. SEC. 58. That the sergeant-at-arms of the Senate be allowed the same per day as the doorkeeper during the session, and that the same amount be allowed the sergeant-at-arms' assistants for each day they have served, to be certified to by the sergeant-at-arms.

F. Costigan. SEC. 59. That the sum of twenty-five dollars be allowed F. Costigan, for plans and estimates furnished for a building for State officers.

Senate committee of Senate to visit State Prison. SEC. 60. That the Senate committee on State Prison, for visiting the same, consisting of J. F. Parker, J. J. Alexander, W. C. Tarkington, W. E. McLean, Leroy Woods, David M. Crane, W. B. Richardson, John Mathes and A. W. Hendry be allowed each the sum of sixteen dollars and fifty cents.

Hugh Miller and Kline G. Shryock. SEC. 61. That Hugh Miller and Kline G. Shryock be each allowed the necessary expenses incurred by them in prosecuting the contest before the Senate.

Elijah Newland. SEC. 62. That Elijah Newland be allowed the sum of one hundred and fifty dollars for services rendered

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and expenses paid under appointment of Governor Wright, to examine into and report upon the condition of the office of Agent of State, in the city of New York.

Wm. Bracken.

SEC. 63. That William Bracken of [Rush county,] be allowed the per diem and mileage of a member of this Senate.

James Griffin.

SEC. 64. That James Griffin be allowed the sum of one hundred and eighty-three dollars for work and labor at State House during the present session.

John Kenan.

SEC. 65. That John Kenan be allowed the sum of one hundred and eighty-three dollars for work and labor at State House during the present session.

Merrill & Co.

SEC. 66. That Merrill & Co. be allowed the sum of fifty-nine dollars and seventy-five cents for books furnished for use of the Legislature.

H. A. Fletcher.

SEC. 67. That H. A. Fletcher be allowed seven dollars and fifty cents for furnishing for speaker's chair.

B. F. Tuttle.

SEC. 68. That B. F. Tuttle be allowed twelve dollars and sixty-five cents for candles furnished General Assembly.

J. H. Vajen.

SEC. 69. That J. H. Vajen be allowed the sum of nine dollars for stationery furnished this session.

George Espy & Brother.

SEC. 70. That George Espy & Brother be allowed the sum of two dollars and ten cents for lumber for House.

Kellogg & Son.

SEC. 71. That Kellogg & Son be allowed the sum of one dollar and fifty cents for shears.

R. L. & A. W. McOuat.

SEC. 72. That R. L. & A. [W.] McOuat be allowed the sum of eighty-one dollars and ninety-five cents for sundries furnished.

Werden & Chamberlain.

SEC. 73. That Werden & Chamberlain be allowed ten dollars for books furnished House.

Robert Browning.

SEC. 74. That Robert Browning be allowed the sum of thirty-one dollars and eighty cents, for sundries furnished the House.

Stewart & Bowen

SEC. 75. That Stewart & Bowen be allowed the sum of six hundred and twenty dollars and fifty-one cents, for stationery furnished the Legislature.

Governor for swamp land duties.

SEC. 76. Inasmuch as new duties have been imposed upon the Executive in relation to the selection of swamp lands and the surrendering of certificates of entries at the land offices, by the State authorities; therefore, the Auditor and Treasurer be, and they are hereby authorized, to allow the present Governor out of the swamp land fund of this State, the sum of twenty-five cents for each patent issued for said lands; and when the amount shall be ascertained, a warrant shall be issued for the amount, to him, payable out of said fund.

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C. O. Howard. SEC. 77. That C. O. Howard be allowed five dollars, for keeping in order the clock in the Hall.

Kellogg & Son. SEC. 78. That Kellogg & Son be allowed the sum of two dollars and fifty cents, for sundries furnished House.

J. R. Griffith. SEC. 79. That J. R. Griffith be allowed the sum of twenty dollars and seventy-five cents, for furniture.

Hanneman & Duzan. SEC. 80. That Hanneman & Duzan be allowed the sum of thirty dollars and ten cents, for sundries furnished Legislature.

Solomon Akers. SEC. 81. That Solomon Akers be allowed the sum of seven dollars and eighty-five cents, for money advanced to pay postage and labor.

E. J. Baldwin. SEC. 82. That E. J. Baldwin be allowed the sum of nineteen dollars, for stationery furnished the Legislature.

John Lenahan. SEC. 83. That John Lenahan be allowed the sum of one hundred and eighty-three dollars, for labor at State House this session.

F. Burgtorf. SEC. 84. That Frederick Burgtorf be allowed eighty-one dollars and seventy-five cents, for repairs in State House.

Jacob Lindley. SEC. 85. That Jacob Lindley be allowed the sum of eight dollars and thirty cents, for sundries.

J. F. Ramsey. SEC. 86. That J. F. Ramsey be allowed twenty dollars, for chairs furnished the House of Representatives.

Pentecost & Davidson. SEC. 87. That Pentecost & Davidson be allowed the sum of one hundred and fifteen dollars, for the Expositor furnished the House.

Werden & Chamberlain. SEC. 88. That Werden & Chamberlain be allowed the sum of sixty-two dollars and seventy cents, for stationery.

Caleb Mills. SEC. 89. That Caleb Mills be allowed the sum of one hundred dollars, for services rendered by order of the Senate, from the 9th of February to the 9th of March, 1857, being one month.

Judges Supreme Court to make allowance to D. C. Chipman, Att'y. SEC. 90. That the judges of the Supreme Court are hereby required to make such allowance to D. C. Chipman, late prosecuting attorney in the fifth judicial district, as they may think just and right, for causes submitted, and briefs filed by him in the Supreme Court while he was such prosecuting attorney, wherein the State was a party; to be audited and paid as other appropriations.

Sheets & Braden. SEC. 91. That Sheets & Braden be allowed the sum of ninety-one dollars and eighty cents, for articles furnished for use of the Senate, as per bill filed.

Sheets & Braden. SEC. 92. That Sheets & Braden be allowed the sum of six dollars and seventy-five cents, for station-

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ery furnished for the use of the House, as per bill filed.

Kline G. Shryock.

SEC. 93. That Kline G. Shryock be allowed per diem and mileage of a member, during the present session.

Wm. Wilkinson.

SEC. 94. That William Wilkinson be allowed the sum of four dollars, for furnishing carriage to go to Insane and Deaf and Dumb Asylums.

George Dixon.

SEC. 95. That George Dixon be allowed the sum of ——— dollars, for cleaning out-houses and spittoons, by order of the doorkeeper.

Governor's house

SEC. 96. That the sum of one thousand dollars be, and the same is hereby appropriated, for repairs for the Governor's house.

Stewart & Bowen

SEC. 97. That Stewart & Bowen be allowed the sum of four dollars, for stationery.

Alfred J. Rooker.

SEC. 98. That Alfred J. Rooker be allowed the sum of twelve dollars, for repairing desks in Senate and House.

Late Treasurer of State.

SEC. 99. That the Auditor and Treasurer of State be, and they are hereby authorized to allow out of the swamp land fund to the late Treasurer of State, one-fourth of one per cent. upon the amount of said fund by him received, and one-fourth of one per cent. upon the amount of said fund by him disbursed; and upon ascertaining the amount, to issue a warrant therefor.

Sup't of Hospital for Insane, and Institution for Deaf and Dumb.

SEC. 100. That the Superintendent of the Hospital for the insane shall receive three hundred dollars annually; and the Superintendent of the Institution for the Deaf and Dumb shall receive two hundred dollars annually for their services in superintending improvements provided for in this act, and in the general appropriation act.

Contracts to be let to lowest reasonable bidder.

SEC. 101. All improvements to be done pursuant to this act, shall be by contract, let out upon reasonable notice to the lowest responsible bidder.

Solomon Meredith, S. H. Buskirk, H. C. Newcomb, and E. W H. Ellis.

SEC. 102. That Solomon Meredith be allowed the sum of two hundred dollars, and that Samuel H. Buskirk be allowed the sum of two hundred dollars, that H. C. Newcomb be allowed the sum of two hundred dollars, for their services respectively, as members of the House committee to investigate the over issues of treasury notes, appointed by the Legislature of 1855; and that E. W. H. Ellis be allowed the sum of two hundred and fifty dollars, for his services as clerk of said committee.

John S. Davis.

SEC. 103. That John S. Davis be allowed twenty dollars, mileage and attendance as witness before the investigating committee of the Senate.

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Joseph W. Chapman. SEC. 104. That Joseph W. Chapman be allowed fourteen dollars and sixty cents for mileage and attendance as a witness before the investigating committee of the Senate.

W. C. Depauw. SEC. 105. That W. C. Depauw be allowed twenty dollars for mileage and attendance as witness before the investigating committee of the Senate.

Isaac Hutchinson SEC. 106. That Isaac Hutchinson be allowed twenty-nine dollars and fifty cents for mileage and attendance as a witness before the investigating committee of the Senate.

Richard Raleigh. SEC. 107. That Richard Raleigh be allowed twenty-seven dollars and fifty cents as a witness before the investigating committee of the Senate.

A. W. Hallard. SEC. 108. That A. W. Hallard be allowed six dollars as witness before the investigating committee of the Senate.

J. L. Menaugh. SEC. 109. That J. L. Menaugh be allowed thirty-six dollars as a witness before the investigating committee of the Senate.

M. A. Malott. SEC. 110. That M. A. Malott be allowed thirteen dollars for attending as a witness before the investigating committee of the Senate.

G. T. Levitt. SEC. 111. That G. T. Levitt be allowed fourteen dollars and eighty cents for attending as a witness before the investigating committee of the Senate.

W. McK. Dunn. SEC. 112. That W. McK. Dunn be allowed fourteen dollars and sixty cents for attending as a witness before the investigating committee of the Senate.

C. W. Leely [Seely.] SEC. 113. That C. W. Leely [Seely] be allowed thirty-three dollars and fifteen cents as a witness before the investigating committee of the Senate.

John Hunt. SEC. 114. That John Hunt be allowed ten dollars and eighty cents as a witness before the investigating committee of the Senate.

Lot Day. SEC. 115. That Lot Day be allowed thirty-two dollars as a witness before the investigating committee of the Senate.

Charles Mayer. SEC. 116. That Charles Mayer be allowed the sum of six dollars and sixty cents for articles furnished for the use of the Senate.

W. W. Roberts. SEC. 117. That W. W. Roberts be allowed the sum of fifteen dollars for sundries furnished for the use of the Senate.

Fred. Burgtorf. SEC. 118. That Frederick Burgtorf be allowed the sum of forty-seven dollars and seventy-five cents for work done and materials furnished in repairing the Senate chamber.

Rich. Henninger. SEC. 119. That Richard Henninger be allowed the

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sum of eighty dollars and forty cents for furnishing Senators and officers of the Senate, three copies of the Free Press per week.

Robert Browning. SEC. 120. That Robert Browning be allowed the sum of nineteen dollars and eighty cents for stationery furnished for the use of the Senate, as per bill filed.

A. G. Davitt. SEC. 121. That A. G. Davitt be allowed the sum of fifty dollars for services rendered by him in prosecuting a criminal in the Porter Circuit Court, who was sent to the penitentiary for life.

E. J. Baldwin. SEC. 122. That E. J. Baldwin & Co. be allowed the sum of seven dollars for stationery furnished for the use of the Senate.

George Dixon. SEC. 123. That George Dixon be allowed the sum of fifteen dollars for cleaning out the State privies and keeping them clean for four weeks, during the November term of the State and Federal Courts, 1856.

CHAPTER VII.

AN ACT to amend the second section of an act, entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, so as to authorize the formation of Ferry Companies.

APPROVED FEBRUARY 16, 1857.

Sec. 2 amended. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act, entitled "An act concerning the organization of voluntary associations and repealing former laws in reference thereto," approved February 12th, 1855, which is in the words following, to-wit:

"Sec. 2. *Be it further enacted*, That any persons may voluntarily associate themselves together for either of the following purposes:

First.—To establish and maintain horticultural, library or scientific associations.

Second.—To organize military or fire companies.

Third.—To provide suitable grounds for the burial of the dead, for public walks and commons, and to ornament the same with shade trees and shrubbery.

Fourth.—To plant, cultivate and preserve shade trees in the public squares, and along the streets of towns.

Fifth.—To organize Masonic or Odd-Fellows' Lodges, subordinate to their several Grand Lodges, and also Divisions of the Sons and Daughters of Temperance, or other charitable associations or orders.

Sixth.—To erect and maintain suitable buildings for public meetings.

Seventh.—To import horses, cattle, sheep, hogs, and other animals for agricultural purposes," be and the same is hereby amended so as to read as follows:

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How amended.

Sec. 2. *Be it further enacted*, That any persons may voluntarily associate themselves together for any of the following purposes:

First.—To establish and maintain horticultural, literary and scientific associations.

Second.—To organize military or fire companies.

Third.—To provide suitable grounds for the burial of the dead, for public walks and commons, and to ornament the same with shade trees and shrubbery.

Fourth.—To plant, cultivate and preserve shade trees in the public squares and along the streets of towns and cities.

Fifth.—To organize Masonic or Odd-Fellows' Lodges, subordinate to their several Grand Lodges; and also Divisions of the Sons and Daughters of Temperance, or other charitable associations or orders.

Sixth.—To erect and maintain suitable buildings for public meetings.

Seventh.—To import horses, cattle, sheep, hogs and other animals for agricultural purposes.

Eighth.—To erect and maintain public ferries.

Emergency.

Sec. 2. That inasmuch as there is now no law authorizing the formation of ferry companies, it is hereby declared that an emergency exists for the immediate taking effect of this act; and the same shall therefore be in force from and after its passage.

CHAPTER VIII.

AN ACT to provide for the support of the indigent Blind, and other infirm persons.

[Approved March 4, 1857.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several boards doing county business in this State, be, and the same are hereby authorizing in their discretion, upon proof satisfactory to them being made, that any resident of their counties has lost his or her eyesight, or by casualty has become otherwise unable to support him or herself by reason of bodily infirmity, and that he or she has a wife or husband, as the case may be, and is an object of public charity, to make an order that the county treasurer pay over such sums of money to such person, or to any person having the keeping of such person, out of

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the funds of their respective counties, as they may deem necessary and proper for his or her support, so as not to separate them from their families by being placed in the county poor house.

CHAPTER IX.

AN ACT to provide for the approval of the official bonds of constables.

[APPROVED FEBRUARY 20, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the official bonds of constables shall be approved by the clerks of the circuit court of the several counties of this State.

SEC. 2. *And be it further enacted*, That, as there is no law now in force in this State providing for the approval of the official bonds mentioned in the first section of this act, it is hereby declared that an emergency exists for the immediate taking effect of this act; therefore, this act shall take effect and be in force from and after its passage.

CHAPTER X.

AN ACT to provide for the approval of the official bonds in cases not now provided for by law.

[APPROVED FEBRUARY 19, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where any county or township officers are required by law to give official bonds, and where existing laws do not provide for the approval of such bonds, it shall be the duty of the clerk of the circuit court of the county wherein such officers are elected, to approve their official bonds, if executed with sufficient sureties, and endorse his approval thereon.

SEC. 2. That inasmuch as there are township officers who are required to give official bonds, for the approval of which there is no provision by law, and which bonds

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ought to be approved before the same are filed, it is hereby declared that an emergency exists for the immediate taking effect of this act; and the same shall be in force from and after its passage.

CHAPTER XI.

AN ACT to amend an act, entitled "An act to provide for the erection and repair of bridges, and to repeal an act, entitled 'An act to provide for the erection and repair of bridges,'" approved March 3, 1855.

[APPROVED MARCH 4, 1857.]

Sec. 1 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section first of an act, entitled "An act to provide for the erection and repair of bridges, and to repeal an act, entitled 'Act to provide for the erection and repair of bridges,'" approved March 3, 1855, which reads as follows, to wit:

"That whenever, in the opinion of the county commissioners, the public convenience shall require that a bridge should be built over any water course, they shall cause surveys and estimates therefor to be made, and direct the same to be erected," be and the same is hereby amended to read as follows:

How amended

That whenever, in the opinion of the county commissioners, the public convenience shall require that a bridge should be repaired or built over any water course, they shall cause surveys and estimates therefor to be made, and direct the same to be erected.

Sec. 2 amended.

SEC. 2. That the second section of the act named in the title to this act, which section reads as follows, to-wit:

"Sec. 2. If the estimates therefor shall exceed the ability of the road district, in which such bridge is to be built, by the application of its ordinary road work and tax to perform, the board may add thereto any other district or districts which may be interested in the work, and shall cause the supervisors of such districts to be notified thereof; and when such supervisors shall receive such notice, they shall forthwith call out all persons liable to work on highways in their respective districts, and require them to erect such bridge," be and the same is hereby amended to read as follows, to-wit:

How amended.

If the estimate therefor shall exceed the ability of the road district in which such bridge is to be built, by the application of its ordinary road work and tax to perform, the county commissioners may make an appropriation from the county treasury to build or repair the same.

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SEC. 3. That the third section of the act named in the title to this, which section reads as follows, to-wit: Sec. 3 amended.

"Sec. 3. Such board shall receive and appropriate all donations for the erection and repair of bridges; they may also aid the same, when of general importance, by advances from the county treasury, and shall make such regulations in reference to payments, and kinds of bridges, as to them shall seem proper: *Provided, however*, That if the board of commissioners of any such county shall not deem any such bridge of sufficient importance to make an appropriation from the county treasury for the erection and repair thereof, the trustees of any township in which such bridge is situated, may appropriate any part of the road tax fund in the township treasury for that purpose, if they shall deem it right and expedient so to do," be and the same is hereby amended to read as follows, to-wit:

SEC. 3. Such board shall receive and appropriate all donations for the erection and repair of bridges; they shall also aid the same, when of general importance, by advances from the county treasury, and shall make such regulations in reference to payments, and kinds of bridges, as to them shall seem proper: *Provided, however*, That if the board of commissioners of any such county shall not deem any such bridge of sufficient importance to make an appropriation from the county treasury for the erection or repairs thereof, the trustees of any township in which such bridge is situate, may appropriate any part of the road tax fund in the township treasury for that purpose, if they shall deem it right and expedient so to do. How amended.

CHAPTER XII.

AN ACT for the removal of the old building on the Governor's Circle in Indianapolis, and for the improvement of the same.

[APPROVED FEBRUARY 19, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Auditor of State, to sell the brick and other materials of the buildings now standing upon the Governor's Circle, at public sale to the highest bidder, having first given three weeks notice of the time, place and terms of sale in the papers of the city of Indianapolis; and the purchaser thereof is hereby required to remove the same from said Circle, within sixty days after said sale. Duty of Auditor of State to sell brick and other material at public sale, &c.

SEC. 2. Immediately upon the removal of said buildings, the Auditor shall have the ground now occupied On removal of old buildings, the ground upon

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which they stood to be leveled and trees planted thereon.

thereby, filled up and leveled so that the same shall correspond and be even with the surrounding premises; and as soon as practical thereafter, he shall cause the same to be planted with such trees as may be commonly used for shade in the neighborhood.

Should amount for which sold be more than necessary to level and plant trees, the Auditor to appropriate balance to erection of neat fence around the Circle, &c.

SEC. 3. Should the proceeds of the sale of said building material be more than sufficient to remove the rubbish thereof from the same, and level the said grounds as hereinbefore provided, to plant the same with shade trees, it shall be the duty of the Auditor to appropriate the same for the construction of a neat and substantial fence around said lot, provided said balance of the proceeds of such sale shall be sufficient for that purpose; and should it be insufficient for that purpose, then said Auditor shall not proceed to erect such fence until the citizens of Indianapolis, by voluntary subscription, shall raise a sum, which, with such balance, shall be sufficient for that purpose: *And provided*, That no money shall be expended by the Auditor, beyond the amount received for the sale of said building.

CHAPTER XIII.

AN ACT to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities.

APPROVED FEBRUARY 16, 1857.

Incorporated towns and cities adjoining may consolidate or unite, to be ratified by a majority of voters.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That where an incorporated town and an incorporated city adjoin each other, they may be consolidated or united, or the town annexed to the city: *Provided*, a majority of the qualified voters of the town and a majority of the qualified voters of the city shall vote in favor thereof, at elections to be held as hereinafter provided.

Common council of city and trustees of town to agree on terms of consolidation and voters to vote upon the same.

SEC. 2. The common council of the city and the president and trustees of the town shall first agree on the terms and conditions upon which such union, consolidation or annexation shall take place, and also upon a day when an election shall be held for the people of such town and city to vote upon the question of union, consolidation or annexation, upon the terms specified in such agreement.

Agreement or terms to be made public by notice in

SEC. 3. Such agreement shall be made public at least three weeks before the time agreed upon for such

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election, by publishing the same at least three times in each newspaper printed and published in the county where such town and city are situated, and by posting printed hand-bills containing said agreement, in three of the most public places in each ward of such town and city.

newspapers in county and by posting bills.

SEC. 4. The election above provided for shall be held at the time agreed on, as above provided, and at the places where other city and town elections are usually held in such city and town respectively, and be governed by the laws and regulations governing other city and town elections in such city and town respectively.

Election to be held at time, place and day agreed on, and be governed as other city or town elections.

SEC. 5. Those who vote in favor of union or annexation according to the agreement aforesaid, shall have on their tickets the word "union," and those who vote against it, shall have on their tickets the words "no union," or equivalent words.

Those voting for union shall have "union" on their tickets, and those against union "no union" on their tickets.

SEC. 6. The inspectors and judges of the election shall report to the common council and president and trustees respectively, the result of such election, and the report of the inspectors and judges of the town election shall be entered on the records of the president and trustees, and a certified copy thereof delivered to the clerk of the city, and the report of the inspectors and judges of the city election shall be entered on the records of the common council, and a certified copy thereof delivered to the clerk of the town, and if a majority of the votes given in the town as well as a majority of the votes given in the city, are in favor of union or annexation, then the president and trustees and the common council, shall meet at the council chamber of the city council, and by resolution declare that the town is annexed to the city or the two united, as the case may be, according to the agreement aforesaid, and such resolution shall be entered on the records of the city council, and such record and certifies copies thereof shall be conclusive evidence of such union or annexation, and a copy of such resolution shall also be recorded in the recorder's office of the county where such city is situated, and copies of such record shall be good evidence in all courts.

The inspectors and judges shall report to the common council and president and trustees respectively the result of such election. Such report to be entered on records of common council, &c.

SEC. 7. If the agreement aforesaid should be to annex the town to the city, and the election and resolution aforesaid shall be in favor thereof, then the town shall be deemed a part of the city to all intents and purposes, and the city shall continue its corporate name and existence.

If voters vote favorably to annexation, then the town to be deemed a part of city.

SEC. 8. If the agreement aforesaid be to unite or

If agreement be

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to unite, it shall contain a stipulation as to name of consolidated city or town.

consolidate, then the agreement aforesaid shall contain also a stipulation as to the name of the consolidated or united town and city.

When town and city consolidate to constitute one city by corporate name agreed on.

SEC. 9. When a town and city shall be consolidated or united as aforesaid, they shall constitute one city by the corporate name agreed on as aforesaid.

In case of annexation city to be liable for all debts, &c., of town, and entitled to all rights, &c., of the town, &c.

SEC. 10. In case of annexation as aforesaid, the city shall be liable for all debts, contracts, and liabilities of the town, and shall be entitled to all the rights, credits, moneys, effects and property of the town, and may sue and be sued in relation thereto in the name of the city, and in case of a union or consolidation, the new city shall be liable for all debts, contracts and liabilities of the town and city consolidated, and be entitled to all the rights, credits, moneys, effects and property of the town and city consolidated or united, and may sue and be sued in relation thereto in the name agreed on and adopted for the consolidated city as aforesaid, and in case of either annexation or consolidation, all actions pending may be prosecuted to final judgment and execution, and all judgment heretofore rendered, may be executed and enforced without any change of the parties and without any change of the name of plaintiff or defendant.

Emergency.

SEC. 11. Whereas, there is no act now in force on this subject, therefore, an emergency is hereby declared, requiring that this act should take effect immediately after its passage; it is, therefore, enacted that this act shall take effect and be in force from and after its passage.

CHAPTER XIV.

AN ACT to enable the common councils of the several incorporated cities of this State, to prescribe, by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned; and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers; and, also, the time within which such collecting officers shall make their collections and returns.

[APPROVED MARCH 7, 1857.]

Common council of any incorporated city may pass ordinance as to time of returning assessment lists;

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, it shall and may be lawful for the common council of any incorporated city within this

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State to provide and prescribe, by a general ordinance, the time within which the annual list or assessment roll of persons, things, and property subject to taxation for city purposes, shall be made and returned by the proper officer or officers; also the time within which the tax roll or duplicate of such city shall be annually made and delivered to the collecting officer, and the time within which such collecting officer shall collect the taxes charged in such roll or duplicate, and the time within which personal and real estate, or either of them, may be distrained and sold by such collecting officer, for the purpose of collecting such taxes; and, also, the time or times at or within which any such collecting officer shall make any return, or statement, or delinquent list, now required by law to be made by such officer.

Tax duplicate delivered to collecting officer; when assessments to be collected, and when collecting officer to return delinquent list.

SEC. 2. Until the times for doing the several things contemplated by the first section of this act shall be prescribed as therein provided, such things shall respectively be done at or within the times now provided by law for the doing thereof.

The thing enumerated in sec. 1 to be done as now required by law, until such ordinance may be passed.

SEC. 3. Nothing in this act contained shall be so construed as to empower the common council of any city to change the manner in which the taxes of such city are required to be assessed and collected, or the manner in which the assessing or collecting officers are required to make their returns.

This act not to be construed to empower com. councils to change the manner of collecting taxes of city, as required by law.

SEC. 4. The completion of his collections by the collecting officer of any such city, and his final return, shall not be prolonged, by virtue of any thing in this act contained, beyond the second Monday of March next succeeding the election or appointment of such collecting officer.

The collecting of, under this act not to prolong final return beyond 2d Monday of March next succeeding his appointment.

SEC. 5. An emergency is hereby declared to exist, requiring that this act should take effect immediately after its passage; and it is, therefore, enacted that this act shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XV.

AN ACT to authorise the formation of new counties, and to change county boundaries.

[APPROVED MARCH 7, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever a majority of

When majority of voters in any district of not less

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than 400 square miles, desire to form new county they may petition the boards of the several counties effected thereby, their desire to form new county (petition to designate boundaries,) which petition and qualification of signers to be verified by oaths of competent witnesses.

the legal votes to be effected thereby in any district embracing an area of not less than four hundred square miles, shall desire the formation of a new county, and by written request, petition the board of commissioners of the several counties to be effected by the formation of said new county, and shall designate in such petition, the name of said new county, the boundaries of such proposed county—and which shall be in the form of a square as nearly as the character of the territory out of which said new county is to be formed will permit—and which petition, and the qualifications of the signers thereto, shall be verified by the oath or oaths of competent witnesses, the said boards shall appoint each, a committee of three resident freeholders in each county of the district embraced in such change, who shall form a board of commissioners to lay off and establish the boundaries of the proposed county, conforming to the lines and boundaries named in said petition, and shall report the same to such boards of commissioners of the several counties affected by the formation of said new county, at the next or some subsequent session, and upon said report being made, the boards of commissioners of the said several counties aforesaid shall enter upon their order books respectively, an order establishing the boundaries of said new county, shall be by them filed in the office of the Secretary of State; a majority of the commissioners so appointed as aforesaid, shall constitute a quorum to transact business devolving upon said commissioners under this act;

County boards to appoint committee of three resident freeholders in each county embraced in such change and duty of committee.

Duty of boards on report of committee.

Proviso. *Providing, however*, That no county now organized, which shall contain a greater area than four hundred square miles, shall be reduced below the area of four hundred square miles, and no county now organized, which shall contain an area of less than four hundred square miles, shall be further reduced. And upon the establishment of the boundaries of said new county, the Governor shall appoint three commissioners to locate a county seat, and for that purpose, to receive proposals for grants of lands for the benefit of said county for public buildings, and other public purposes; and from the time said boundaries are established, said new county shall be, to all intents and purposes, an organized county, with all the rights and privileges, that under the law, appertain to organized counties.

Duty of boards of commissioners, when legal voters of territory the jurisdiction of which is proposed to be changed, two or more counties

SEC. 2. Whenever a majority of the legal voters, who shall reside in the territory whose jurisdiction it is proposed to be changed, shall desire to change the boundaries of two or more organized counties that may lay contiguous, and shall petition the board of commis-

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sioners of the said counties whose boundaries it is proposed to change, by a written petition verified by the oath or oaths of competent witnesses, as to the residence and qualification of such petitioners, designating in such petition the line or lines of said proposed change, the said boards shall file said petitions, and continue the same until the next regular meeting of said boards, at which time they shall enter upon their order books respectively, an order changing the boundaries of their several counties so as to conform to the line or lines designated in said petition, and shall forward to the Secretary of State a copy of such order, to be by him filed in his office; and such change shall take effect from the date of such order: *Provided*, In any such change, no organized county that shall have an area of over four hundred square miles, shall be reduced below that quantity, and no organized county that shall have an area of less than four hundred square miles, shall be further reduced in area by said change.

desire a change of boundaries.

SEC. 3. All township officers that may be in office within the territory that may be detached from any former county and attached to any other county by virtue of any proceeding under the second section of this act, shall remain in office, and exercise the same jurisdiction and functions within the county to which they may be attached by said change during their several terms of office, in the same manner as they exercised the same in the said counties within which they were embraced before said change; and all suits and proceedings that may be pending in any of the courts of the said counties at the time of said change, shall continue and proceed to final determination and judgment in the same manner as if no change had taken place in the boundaries of said counties; and all liens, either by judgment, by mortgage, or otherwise, shall continue in full force in all respects, as if no change had been made in the boundaries of said counties; and all taxes that shall be levied and assessed at the time such change shall be made, shall be collected in the same manner as if no change had been made in the boundaries of said counties.

Township officers in office in territory detached from former county by any proceeding under 2d section of this act, to remain and exercise same jurisdiction and functions in same manner as in counties in which they were embraced before such change. And all suits and proceedings to proceed to final judgment and taxes levied and collected, as if no change had been made.

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CHAPTER XVI.

AN ACT to fix the time for holding the Circuit Courts in the First Judicial Circuit, and repealing all laws in conflict therewith.

[APPROVED FEBRUARY 19, 1857.]

Times of holding, and length of terms.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several circuit courts of the first judicial circuit of this State shall be held as follows, to-wit: In the county of Ohio, on the second Mondays in February and August of each year; in the county of Ripley, on Monday succeeding the courts in the county of Ohio; in the county of Jennings, on Monday succeeding the courts in the county of Ripley; in the county of Jefferson, on Monday succeeding the courts in the county of Jennings; in the county of Bartholomew, on Monday succeeding the courts in the county of Jefferson; in the county of Switzerland, on Monday succeeding the courts in the county of Bartholomew; in the county of Brown, on Monday succeeding the courts in the county of Switzerland. The said courts, if the business so require it, shall sit in the following counties of Ohio, Ripley, Jennings, Bartholomew, and Switzerland, two weeks each; Brown, one week, and Jefferson, four weeks each term.

What repealed.

SEC. 2. All acts contravening the provisions of this act are hereby repealed.

Emergency.

SEC. 3. As the terms heretofore fixed by law are too short, it is hereby declared that an emergency exists for the immediate taking effect of this act; it shall, therefore, be in force from and after its passage and publication in the State Sentinel and Indiana Journal; and it is hereby made the duty of the Secretary of State to forward a copy to each of the clerks of said courts.

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CHAPTER XVII.

AN ACT to amend section two of an act, entitled "An act to change the time of holding Courts in the Eleventh Judicial Circuit."

[APPROVED FEBRUARY 14, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section two of said act, which is as follows, to-wit: Sec. 2 amended.

"Sec. 2. The continuance of the terms of courts in said circuit shall be as follows, to-wit: In the counties of Miami, Cass, and Wabash, three weeks each; in the counties of Carroll and Grant, two weeks each; in the counties of Huntington and Howard, one week each," be amended so as to read as follows, to-wit:

Sec. 2. The continuance of the terms of courts in said circuit shall be as follows, to-wit: In the counties of Miami, Cass, and Wabash, three weeks each; in the counties of Huntington, Grant, Carroll, and Howard, two weeks each. How amended.

SEC. 2. Whereas, the time now allowed by law to each term of said court is insufficient to transact the business thereof, therefore an emergency exists for the immediate taking effect of this act; the same is hereby declared to be in force from and after its passage. Emergency.

CHAPTER XVIII.

AN ACT to fix the time of holding the Circuit Court in the county of Delaware, and to repeal all acts inconsistent therewith.

[APPROVED MARCH 7, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court in the county of Delaware shall be holden on the second Monday in March and September of each year, and shall continue three weeks, if the business so long require it. All acts and parts of acts inconsistent herewith are hereby repealed.

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CHAPTER XIX.

AN ACT to change the time of holding the Circuit Courts in the Tenth Judicial Circuit, and to extend the length of the term of said Court in Allen county, and providing additional compensation to the Judge thereof.

[Not approved by the Governor, and by his withholding the act, and failing for five days after adjournment to file said act in the office of the Secretary of State, with his objections thereto, the same becomes a law under the Constitution, (see sec. 14, art. 5, Con.)
DANIEL McCLURE,
Secretary of State.]

Times of holding and length of terms, and if necessary Judge may hold an adjourned term in Allen county, and how paid for services.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts in the tenth judicial circuit shall be held as follows, to-wit: The courts in the county of Wells shall commence on the first Monday in February and the third Monday of August of each year; in the county of Adams, on Monday succeeding the courts in the county of Wells; in the county of Whitley, on Monday succeeding the courts in the county of Adams; in the county of Kosciusko, on Monday succeeding the courts in the county of Whitley; in the county of Elkhart, on Monday succeeding the courts in the county of Kosciusko; in the county of Lagrange, on Monday succeeding the courts in the county of Elkhart; in the county of Steuben, on Monday succeeding the courts in the county of Lagrange; in the county of Dekalb, on Monday succeeding the courts in the county of Steuben; in the county of Noble, on Monday succeeding the courts in the county of Dekalb; in the county of Allen, on Monday succeeding the courts in the county of Noble. The said courts, if the business thereof so require it, shall sit in the counties of Adams, Wells, Whitley, Noble, Steuben, and Dekalb, one week each; Kosciusko, Elkhart, and Lagrange, two weeks each; and in Allen county said court shall sit as long as the business thereof may require it at each term. And if it shall be necessary for said court to sit in the county of Allen more than three weeks at any regular term, or to hold an adjourned term, after having set its regular term, the judge thereof shall be paid from the county treasury the sum of three dollars per day, for the excess of time thus spent over the regular term of three weeks.

Process, when made returnable

SEC. 2. All process made returnable to any of the courts of the respective counties aforesaid, at the times heretofore fixed for holding the session thereof, shall be, and the same are hereby declared and made returnable

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to the first days of the terms of said courts respectively, as fixed by this act, and all parties, witnesses, and all persons are hereby respectively required to take notice of the changes of the time of holding said several courts as herein made.

SEC. 3. The act fixing the time of holding circuit courts in the counties of this State, approved February 21, 1853, be and the same is hereby repealed, so far as the same relates to the tenth judicial circuit. Act approved Feb. 21, 1853, repealed

EXECUTIVE DEPARTMENT INDIANA.
This bill was received March 7th, 1857.
SAMUEL OSBORNE,
Private Secretary.

CHAPTER XX.

AN ACT to amend the twenty-sixth section of an act, entitled "An act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof;" approved May 14, 1852.

[APPROVED MARCH 7, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the twenty-sixth section of an act, entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof," approved May 14, 1852, which reads as follows, to-wit: Sec. 26 amended.

"Sec. 26. The clerk shall, under the direction of such judge, provide for said court an order book, fee book, execution docket, judgment docket, and such other books as may be deemed necessary, and all the books, records, papers and proceedings of the common pleas, shall be kept distinct and separate from those of the circuit court: *Provided*, That no final record of any case in said court shall be made as of course, except in the administration and settlement of decedents' estates, and the settlement of the estates of minors, idiots, and lunatics, and in all cases where the title to land is in question by way of probate: *And provided further*, That a final record may be made in any case where either party requests it, at the proper expense of the party making such request to be paid in advance: *And provided further*, That all matters touching decedents' estates, wills, administrators, guardians and heirs, and all business in relation thereto, transacted in said court, shall be kept separate in proper books prepared for that purpose as heretofore," be and the same is hereby amended so as to read as follows, to-wit:

Sec. 26. The clerk shall, under the direction of such judge, provide for said court an order book, fee book, execution docket, judgment docket, and such other books How amended.

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as may be deemed necessary, and all the books, records, papers and proceedings of the common pleas shall be kept distinct and separate from those of the circuit court: *Provided*, That no final record of any case in said court shall be made as of course, but a final record may be made in any case where either party request it, at the proper expense of the party making such request, to be paid in advance, or where the judge thereof shall direct such final record to be made, and in the latter case, the cost thereof shall be taxed as other costs are in like cases. All matters touching decedents' estates, wills, administrators, executors, guardians and heirs, and all business in relation thereto, transacted in said court, shall be kept separate in proper books prepared for that purpose as heretofore.

All matters touching probate business to be kept in separate books.

CHAPTER XXI.

AN ACT to amend the 14th section of an act, entitled "An act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof," approved May 14, 1852.

[APPROVED MARCH 7, 1857.]

Sec. 14 amended.

[SECTION 1.] *Be it enacted by the General Assembly of the State of Indiana*, That section 14 of the above entitled act, which is as follows, viz:

"Sec. 14. Said court shall also have original jurisdiction in all that class of offences which do not amount to felony, except those over which justices of the peace have exclusive jurisdiction: *Provided*, That the defendant may, at any time within ten days after the rendition of judgment against him, appeal to the Circuit Court on giving bond and security to the satisfaction of the Court of Common Pleas, in a reasonable penalty proportioned to the nature of the offence," be and the same is amended so as to read as follows, viz:

How amended.

Sec. 14. Said court shall have original jurisdiction in all that class of offenses which do not amount to felony, except those over which justices of the peace have exclusive jurisdiction: *Provided*, That an appeal to the Supreme Court may be taken by the defendant, as a matter of right, from any judgment against him, and upon the appeal, any decision of the court or intermediate order made in the process of the cause may be reviewed. All of said section 14, inconsistent herewith, is hereby repealed.

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CHAPTER XXII.

AN ACT providing for the taxation of costs in cases where lands are attached by process from the Circuit Courts and Courts of Common Pleas, where the claim is less than fifty dollars.

[APPROVED FEBRUARY 20, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where lands are attached, and judgment rendered in favor of the plaintiff in the circuit courts or courts of common pleas, wherein the sum claimed on the judgment rendered, shall be less than fifty dollars, the plaintiff shall recover costs: *Provided*, The attachment against the land is sustained by the court.

CHAPTER XXIII.

AN ACT to authorize the appointment of some person to hold the Common Pleas Court, in case of the absence or sickness of the Judge.

[APPROVED MARCH 7, 1857.]

In case judge from any cause fail to attend, he is authorized to appoint some prosecuting attorney to hold his court.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, Whenever, from any cause, the common pleas judge of any district shall be unable, or fails to attend in any county of his district, for the purpose of holding his court, at the regular term thereof, the judge of said court is hereby authorized to appoint some suitable person, who shall be a regular practicing attorney of the State, to attend and hold such court, and such person so appointed, shall be vested with all the powers of the regular judge of said court, during said term in said county.

Should judge fail to appear or fail to appoint some person, clerk, sheriff and auditor, or any two to appoint.

SEC. 2. If at any regular term of said court, the judge shall fail to appear, to hold said court, or to appoint some person as provided in the first section of this act, then the clerk, sheriff, and county auditor, or any two of them, shall have the power to make such appointment as provided in the first section of this act.

The person appointed to take oath before entering upon discharge of his duties.

SEC. 3. The person who may be appointed as provided in the first or second section of this act, shall, before entering upon the discharge of the duties of such appointment, take an oath to support the constitution

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of the United States and of this State, and faithfully to discharge the duties of his office during the term of his appointment, which oath shall be entered upon the records of the court.

Appointee to be paid out of county treasury and deducted from judge's salary.

SEC. 4. When said judge shall be appointed by the sheriff, clerk and auditor, they shall cause to be entered upon the records of said court, at the close of said term, an allowance to said judge of three dollars per day, for each day said judge may hold said court, to be paid out of the county treasury of said county upon a certified copy of said order, and deducted out of the quarterly payment of the salary of the judge of said district.

Emergency and duty of Secretary of State.

SEC. 5. By reason of the sickness of one or more of the common pleas judges of this State, rendering them unable to attend and hold their courts, it is declared that an emergency exists for the immediate taking effect of this act; therefore, this act shall take effect and be in force from and after its passage; and it is made the duty of the Secretary of State, to forward certified copies of this act to the clerks of the several counties of this State.

CHAPTER XXIV.

AN ACT to amend the one hundred and thirty-eighth section of an act, entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements;" approved June 17, 1852.

[APPROVED MARCH 7, 1857.]

Section 138 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one hundred and thirty-eighth of an act, entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, which reads as follows, to wit:

"Sec. 138. At the term when final settlement of an estate is made, if there be any surplus, the court shall order notice to be given thirty days before the ensuing term, for three weeks successively, in some newspaper printed and published in the county, if there be any, and by notices posted up in five public places in the county, that at the next term, on the first day thereof, such surplus will be distributed among the heirs according to law," be amended to read as follows:

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At the term when final settlement of an estate is made, if there be any surplus, and if the heirs, distributees, or legatees shall be present in person, by attorney or guardian, and give their assent, notice need not be given; but if the heirs, distributees, or legatees are not present, no other notice shall be required than that provided for in section one hundred and eighteen of the above recited act, and the court shall proceed to make distribution as provided in section one hundred and thirty-nine. How amended.

CHAPTER XXV.

AN ACT to authorize the record of deeds or transcripts thereof, to be read in evidence when, in certain cases, they have been recorded in the adjoining county.

[APPROVED FEBRUARY 28, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That where lands have been by deed conveyed more than twenty years anterior to the passage of this act, which, at the time of such conveyance, were situated upon or within one mile of the boundary of the county within which they were situated, and the deed or deeds have been recorded in the recorder's office of the county adjoining such record thereof, or a transcript of the same, duly certified or proved, may be read in evidence, with the like force and effect as the original thereof.

SEC. 2. Whereas, there is no law now in force in this State embracing the provisions of this act, and the title to land in sundry instances, is jeopardised for want thereof; therefore, an emergency exists for the immediate taking effect of this act; therefore, it is further enacted that this act shall be in force from and after its passage.

CHAPTER XXVI.

AN ACT to prevent betting on elections, and providing punishment for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person who shall bet

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or wager, any money or other valuable property, on the result of any election in this or any other State, shall, upon conviction thereof, forfeit and pay to the State of Indiana, for the benefit of the common school fund, any sum not less than the amount so bet or wagered, nor more than twice said amount.

CHAPTER XXVII.

AN ACT to amend an "act providing for the election and prescribing certain duties of County Surveyors."

[APPROVED MARCH 7, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 11 of the above act, which section is in the following words, to-wit:

"The several county surveyors shall be competent to take acknowledgments of deeds for the conveyance of real estate, and to certify the same under their hand and seal," be, and the same is hereby amended to read as follows:

The several county surveyors shall be competent to take acknowledgment of mortgages and deeds for the conveyance of real estate, and certify the same under their hand and seal; and such surveyors are hereby authorized to procure, keep, and use an official seal.

CHAPTER XXVIII.

AN ACT to prevent emigration from any other State into this State, or from one county or township in this State into another county or township in this State, for the purpose of influencing or carrying the election in such other county or township, and prescribing penalties against persons aiding, abetting, counseling or engaged therein.

[APPROVED MARCH 6, 1857.]

Any person coming from any State into this, or from one county or township to another with intent of fraudulent voting, shall be deemed guilty of

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person or persons who shall emigrate or pass from any other to this State, or from one county or township in this State to any other county or township therein, with the intent of fraudulent voting in such other county or township at

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any election therein, and actually vote in such county or township to which he or they may have emigrated or passed, the person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, in the county where such voting may have been done, shall be fined in any sum not less than ten or more than fifty dollars, to which may be added imprisonment in the county jail, any determined period not exceeding thirty days.

a misdemeanor and fined not less than $50, with imprisonment, if convicted.

SEC. 2. That any person or persons who shall assist, aid or abet, by money, pay, persuasion, hire, or otherwise, any person or persons to emigrate or pass from any other State into this State, or from one county or township in this State to another county or township therein, with the fraudulent intent, or for the purpose of procuring fraudulent votes or voting in any county or township in this State at any election therein, he, she or they so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of competent authority of the county where such offense may have been committed, shall be fined not less than fifty nor more than one hundred dollars, to which may be added imprisonment in the county jail any determined period not more than three months.

Any person assisting in any way any emigrant for the purpose of fraudulent voting, deemed guilty of a misdemeanor, fined not less than $50 and imprisonment, if convicted.

CHAPTER XXIX.

AN ACT to cure defective sales made by Executors or Administrators, where the heirs have been notified by publication or summons.

[APPROVED FEBRUARY 19, 1857.]

WHEREAS, The circuit courts and court of common pleas of the State of Indiana, heretofore held different opinions as to the time when the revised statutes of 1852 would be in force,

Preamble.

AND WHEREAS, in consequence thereof, many defective sales of the real estate of decedents have been made by executors and administrators to purchasers in good faith, therefore, for the purpose of curing such defective sales, and preventing innocent purchasers from suffering loss therefrom,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases, where any sale of a decedent's real estate shall have been made,

In cases of sales made under order of court, and heirs of decedent have been

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notified as set forth sec. 76, chap. 10, 2d vol., R. S. 1852, or in any case summoned more than ten days before first day of term, order of sale is made, deemed sufficient notice.

under the order of any circuit court, having jurisdiction of the case, or court of common pleas, and the heirs of such decedent shall have been duly notified by publication, as set forth in section 76, chapter 10, 2d vol. R. S., 1852, or in any case where the heirs of such decedent shall have been duly summoned to appear before the court which shall have ordered such sale more than ten days before the first day of the term when said order shall have been made, in each and every such case, the heir or heirs of such decedent shall be deemed to have been duly notified of the pendency of the petition praying for such sale.

No sale shall be reversed when made, notice has been given as set forth in first section of this act. Proviso.

SEC. 2 No sale shall be reversed, set aside, or considered by any of the courts of this State as erroneous or void, where notice by publication or summons, shall have been made, as set forth in sec. one of this act: *Provided*, That no other defect or error shall be deemed to be cured by this act.

CHAPTER XXX.

AN ACT to amend an act regulating the fees of Officers, and repealing former acts in relation thereto, approved March 2, 1855.

[APPROVED FEBRUARY 19, 1857.]

Section 6 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sec. 6 of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, which reads as follows, to-wit:

"The fees of the Secretary of State shall be as follows, to-wit:

FEES OF THE SECRETARY OF STATE.

For recording each bond	$2 25
For copies of laws, records, and papers, for each 100 words	10
For each certificate and seal	50
For issuing commission to notary public	75

Such fees to be paid by the persons for whom the services are rendered: *Provided, however*, Such Secretary shall, in no case, be entitled to any fees above provided, except when the services rendered, are for a private person, and not for the State or county, or officers of either, except notaries public," be, and the same is hereby amended to read as follows, to-wit:

How amended.

The fees of the Secretary of State shall be,

For recording each bond	$2 00
For copies of all records, laws, and papers, per 100 words	10

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For each certificate and seal.....$1 00
For issuing a notarial commission.....$1 00
For issuing commission to a commissioner of deeds and filing oath.....$3 00
For each attestation and seal.....$1 00

Such fees to be paid by the person for whom the services are rendered: *Provided, however*, Such secretary shall, in no case, be entitled to any fees above provided, when the services rendered are for the State or county, or officers thereof.

Emergency.

SEC. 2. There being no fee provided for by law for the issuing commissions to commissioners of deeds, appointed by the Governor of this State in other States and Territories, and some of the fees already provided being wholly inadequate to the amount of service rendered, it is declared that an emergency exists for the taking effect of this act; therefore, the same shall be in force from and after its passage.

CHAPTER XXXI.

AN ACT to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

[APPROVED FEBRUARY 26, 1857.]

Unlawful to kill any of deer kind from 1st Jan. to 1st Aug. in each year, and penalty for killing.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful to kill, shoot, trap, or ensnare any deer, buck, doe, or fawn within this State, between the first day of January and the first day of August in each year, and for each deer, buck, doe, or fawn so killed, shot, trapped or ensnared, the person or persons so offending, shall, upon conviction thereof, be fined ten dollars; one half of which sum shall be paid to the person informing, and the other half to the common school fund.

Unlawful to kill any turkey from 1st March to 1st Sep. of each year, and penalty.

SEC. 2. That it shall be unlawful to shoot, trap, or otherwise destroy wild turkeys, between the first day of March and the first day of September, in each year, and any person or persons so shooting, trapping, or otherwise destroying the same, shall, on conviction thereof, be fined three dollars for each and every wild turkey so shot, trapped or otherwise destroyed; one half to be paid to the informant, and the other half to the common school fund.

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Unlawful to kill pheasants or quails from 1st Jan. to 1st Oct. of each year, and penalty.

SEC. 3. That it shall be unlawful to shoot, trap, or net pheasants, or quails, between the first day of January and the first day of October, in each year; and any person, or persons, so shooting, trapping, or netting pheasants or quails, in violation of this provision, shall, on conviction, be fined two dollars, for each pheasant or quail, so shot, trapped or netted, the amount of the penalty to be appropriated as in the preceding sections.

Unlawful to kill prairie hen or chicken from 1st Jan. to 1st Aug. and penalty.

SEC. 4. It shall be unlawful to shoot, trap or otherwise destroy, any prairie hen or chicken, between the first day of January and the first day of August, in each year; and any person or persons so violating the provision of this section, shall, upon conviction, be fined the sum of two dollars for each prairie hen or chicken, so unlawfully shot, trapped, or otherwise destroyed, the proceeds of such fine to be disposed of as heretofore provided.

Persons being in possession of wild game specified in this act, such possession *prima facie* evidence of guilt of shooting or destroying such game.

SEC. 5. If any person shall be found in possession of any species of game, herein above mentioned, within the periods respectively, within which the shooting, ensnaring, trapping, netting, or otherwise destroying the same, is prohibited, such possession shall be *prima facie* evidence that the same was shot, ensnared, netted, trapped, or otherwise destroyed by such person, in violation of the provisions of this act respectively.

Unlawful to have any game named in this act in possession, killed within the times specified in this act, shall be subject to same penalties as for killing and ensnaring.

SEC. 6. It shall be unlawful for any person or persons to have in his or their possession any deer, buck, doe, or fawn, or any wild turkey, or any pheasants, or quails, or any prairie hen or chicken, killed within any of the respective times within which the shooting, ensnaring, taking or otherwise detroying the same, is prohibited in this act; and the person so offending shall be subject to the same penalty or penalties herein above provided, for shooting, ensnaring, taking, or otherwise destroying, any such game unlawfully: *Provided*, That the provisions of this act shall not extend to deer in parks and wild fowls domesticated.

Action for violation may be prosecuted in county or township where such person offending may be found.

SEC. 7. Any action for the violation of this act may be prosecuted either in the township or county in which such person may be found having in possession any game taken or destroyed in violation of any provision of this act.

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CHAPTER XXXII.

AN ACT to amend the fourth section of an act, entitled "An act touching the relation of guardian and ward," approved June 9, 1852.

[APPROVED JANUARY 22, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fourth section of an act, entitled "An act touching the relation of guardian and ward," approved June 9th, 1852, which is in the following words, to-wit: Section 4 amended.

"Before any person shall be appointed guardian of any minor he shall file in the office of the clerk of the court having such appointment to make, a statement in writing, of the whole estate of said minor, and the probable value thereof, and shall verify the same by affidavit, and shall give bond with freehold surety, payable to the State of Indiana, in a penalty double such amount, conditioned for the faithful discharge of his duties as such guardian, to be approved by the clerk or court making such appointment; and shall also take an oath that he will faithfully and honestly discharge the duties devolving upon him as such guardian," be, and the same is hereby amended to read as follows:

How amended.

Before any person shall be appointed guardian of any minor, he shall file in the office of the clerk of the court having such appointment to make, a statement in writing of the whole estate of said minor, and the probable value thereof, specifying the value of the personal property and real estate separately, and also specifying the probable value, if any, of the annual rents and profits of such real estate, and shall verify the same by affidavit, and shall give bond with freehold surety, payable to the State of Indiana, in a penalty double the amount of such personal property, and four times the annual value of such rents and profits, conditioned for the faithful discharge of his duties as such guardian, to be approved by the clerk or court making such appointment, and shall also take an oath that he will faithfully and honestly discharge the duties devolving upon him as such guardian.

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CHAPTER XXXIII.

AN ACT to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matter as properly pertain thereto.

[APPROVED MARCH 9, 1857.]

Act approved June 18, 1852: an act amendatory 2d sec of act approved June 18, 1852, approved March 1, 1853, and also act approved March 2, 1852, repealed.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An act for the incorporation of cities; approved June 18th, 1852," also an act, entitled "An act amendatory of the second section of an act for the incorporation of cities; approved June 18th, 1852, and for a more economical method for ascertaining the population of such cities, preparatory to the adoption of the provisions of the acts herein mentioned, of June 18th, 1852; approved March 1st, 1853," and also an act, entitled "An act to amend an act, entitled an act for the incorporation of cities; approved June 18th, 1852, approved March 2d, 1853," be, and the said acts are hereby repealed.

On application of two-thirds of voters of incorporated town to common council or board of trustees, to be incorporated as a city, said board or council to have census taken for that purpose.

SEC. 2 Whenever one-third of the voters of any incorporated town, so far as the number can be estimated, shall petition the board of trustees thereof, or common council of any incorporated city, to be incorporated as a city under this act, such board of trustees or common council, by an order or resolution to that effect, entered upon their order book, shall direct the marshal or other officer thereof, by a proper warrant furnishing him with the necessary forms to take the census of all persons who were residents of within the corporate limits of such city or town, at least forty days anterior to the date of such order: *Provided, however*, That if it shall appear to said board of trustees or common council, by the last census of this State or of the United States, that said town or city had three thousand inhabitants, said board or common council shall be at liberty to proceed in all respects as though the said census had been taken in the manner provided by this act.

Marshal or other officer may appoint assistants to take census.

SEC. 3. Such marshal or other officer, with the concurrence of such board or council, may appoint assistants, and shall, within sixty days from the time of receiving such warrant, make full returns, under oath, to said board or council, of the resident population in such town or city as aforesaid.

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If returns show population of 3,000 inhabitants or more, trustees or council to appoint day to vote on question of incorporation as a city.

SEC. 4. If the return shall show a population of three thousand persons, or more, the trustees or common council, within ten days thereafter, shall publish a notice to the voters of such town or city, as in other corporation elections, stating, that on a day and at a place therein named, a poll will be opened to determine whether such town or city shall be incorporated as a city.

Trustees or council to appoint 3 reputable voters in each ward, one to act as inspector and two as judges, and they to appoint a clerk. Trustees or council to furnish ballot box. Penalty, if inspectors, judges or clerks, or either fail or neglect to serve after appointment and acceptance.

SEC. 5. The trustees or council shall appoint three reputable voters in each ward, one to act as inspector, and two as judges of election therein, and the persons thus appointed shall choose a clerk of such election. Such trustees or council shall also procure and deliver to such inspector, at least one day prior to such election, a ballot-box, which shall thereafter be retained for the use of such ward. If such inspector or judges, or either of them, or the clerk, after appointment and acceptance thereof, neglect or refuse to serve, such inspector or clerk shall forfeit and pay, for the use of such city, any sum not exceeding fifty dollars, which shall be recoverable in any action at law; and the electors being met on the day appointed, may choose by voice, such inspector or judges as may be necessary to organize the board; and the inspector and judges so chosen, may select the clerk.

Such election to be governed as other corporations. Ballots to have "Yes" or "No" thereon. If a majority have "No" on, the consent of voters deemed not given. If a majority have "Yes," deemed as consent of voters for incorporation as city.

SEC. 6. Such election shall be governed by the same rules as other corporation elections; and the ballots of the voters shall have thereon the word "Yes," or the word "No;" and if a majority of the ballots given at such election have thereon the word "No," the voters of such town or city shall be deemed not to have consented to its incorporation as a city, and no further proceeding shall be had in relation thereto; but if a majority of such ballots shall have thereon the word "Yes," the inspector shall make a statement showing the number of votes given having the word "Yes," and the number having the word "No" thereon; and such statement shall have attached thereto the affidavit of such trustees or of the mayor of such city, verifying the truth of the same, and within five days after such election, shall be filed in the office of the clerk of the circuit court of the proper county. The clerk shall make a record thereof, for which he shall receive the same fees as are paid him for like services in other cases.

Thereafter town shall be deemed and entitled to all the rights, &c. of an incorporated city. Nothing herein to preclude any person interested from showing that a

SEC. 7. Such town shall thereafter be deemed an incorporated city, with the power and franchises appertaining thereto; and the record in the office of the clerk, as aforesaid, shall be held in all courts as conclusive evidence of such incorporation in any suit pending therein. But nothing in this act contained shall pre-

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majority had not agreed to such change.

clude any person interested, from showing that a majority of the legal voters of any such town or city had not agreed to such change.

Duty of trustees or common council as to filing such statement.

SEC. 8. The trustee or common council of such town or city, shall, within five days after the filing of such statement, divide the city into not less than three wards; but no ward shall contain less than three hundred inhabitants; and they shall also, within the time aforesaid, cause to be given to the voters thereof, ten days' notice, by publication in one or more newspapers printed in such city or county in which the same is situated, and by posting copies of the same in three public places in such ward, that an election will be held in each of the several wards on a day and at the places therein named, for the election of the city officers specified in such notice.

What the officers of the city shall consist of.

SEC. 9. The officers of said city shall consist of a mayor, two councilmen from each ward, a city clerk, assessor, treasurer, engineer, street commissioner and marshal, and if the common council deem it expedient for the best interests of said city, a city attorney and city judge: *Provided*, That the common council may dispense with the street commissioner and require the marshal to perform his duties. All such officers elected at any special election shall hold their offices until the next general election on the first Tuesday in May, and until their successors shall be elected and qualified. After said first general election, said officers shall respectively hold their offices as follows, to-wit: The mayor and city judge, two years each; the clerk, assessor, treasurer, street commissioner, marshal and attorney, one year each; and the councilmen shall be chosen by the legal voters of their respective wards, and one councilman from each ward, to be determined by lot at the first regular meeting after their election, shall hold his office one year, and the other, to be determined in like manner, shall hold his office two years, and annually thereafter, one councilman shall be elected by the legal voters of each ward, and all of said officers shall hold their respective offices during their respective terms, and until their successors are elected and qualified. The said clerk, assessor, treasurer and marshal, with the consent of the common council, may appoint one or more deputies when necessary.

Proviso.

Length of time officers elected at special elections to hold office.

General election when held.

After first general election length of terms of officers respectively.

Inspectors, judges and clerk to take oath before entering upon discharge of duty.

SEC. 10. Before the opening of the polls on the day of such election, the inspector and judges thus appointed, and the clerk, shall each and severally be sworn by an officer authorized to administer oaths, to the faithful discharge of their respective duties as officers of such election.

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Election to be governed as township or other elections.

SEC. 11. All elections of such cities shall be governed by the laws in force regulating township and other elections, and the voters therein shall have the like qualifications, and be subject to the same restrictions and liabilities.

Duty of inspector and judges on closing polls

SEC. 12. When the poll of any such election is closed, the inspector and judges thereof in each of said wards, shall immediately proceed to canvass the votes there given, and shall make out under their hands, a statement specifying the number of votes each person voted for has received, and the office he was designated thereby to fill; and said statement, together with the poll list and one of the tally papers, shall be deposited with the inspector, or if he should be unable to further serve, then with one of the judges elected by such board of election.

Inspectors of several wards to meet on day following the election at common council room and their duty after meeting.

SEC. 13. The inspector named in such appointment, if at the first election, or the inspector appointed as hereinafter provided, if at a subsequent election of the several wards, shall, on the day next following the same, meet at the common council room, and upon the inspection of the statements aforesaid, determine the persons having the highest number of votes, for each of the several offices voted for, and thereupon shall make and sign a certificate setting forth the names of the persons voted for, and for what offices, the whole number of votes given for each of the several offices, and the person having the highest number therefor, and shall declare the person elected to the same. Such certificate shall be filed with the clerk of the corporation. Should two or more persons have an equal and the highest number of votes for the same office, such board of inspectors shall certify the fact to the trustees or common council, as the case may be, who shall immediately give notice, as in other elections, for a new election, specifying the office to be filled thereby, and the ward, if a councilman, in which the poll is to be opened.

Duty of clerk of such municipal corporation.

SEC. 14. It shall be the duty of the clerk of such municipal corporation, within twenty-four hours after filing the certificate of the board of inspectors in his office, as provided in the preceding section, to notify, either by personal service or by leaving a copy of the same at the usual place of residence of each and all of the persons elected to fill the said offices.

If any person elected shall not take oath of office within five days after having been notified shall be deemed as having refused to serve,

SEC. 15. Any person thus elected, who shall not, within five days after being notified, by personal service, of the same, take and subscribe the oath of office before some proper officer and file the same with the clerk of such corporation, shall be deemed as having refused to

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and shall forfeit ten dollars for use of city. Proviso.

serve, and shall forfeit for the use of such city therefor, the sum of ten dollars: *Provided*, He is not prevented from so doing by sickness or unavoidable accident; which forfeiture shall be recoverable on complaint filed in the name of the city against the party so failing to serve.

Appointment of inspectors, judges and clerks.

SEC. 16. The common council shall, for every subsequent election, appoint by resolution, an inspector and two judges therefor, in each of the several wards of the city; but the persons thus appointed, shall be residents and voters of such ward, and when convened as a board of election, shall choose the clerk thereof.

Vacancies in office how filled.

SEC. 17. Vacancies in the office of mayor, city judge, clerk, or councilman occurring in any manner, shall be filled by special election ordered by the common council, and conducted in the same manner as the annual election therefor, and all vacancies in other offices shall be filled by the common council.

Powers and duties of mayor.

SEC. 18. It shall be the duty of the mayor to see that the laws of the State and the by-laws and ordinances of the common council, be faithfully executed within such city; he shall be a conservator of the peace, and as such, shall have within the city limits the power conferred upon justices of the peace for that purpose; to exercise supervision over subordinate officers, and to recommend to the common council such measures as he deems for the public good; he shall sign all commissions, licenses and permits granted by the common council, and he shall perform such other duties as the nature of his office and the interests of the city require; he shall have the custody of the corporate seal, and may take and certify under the same, the proof and acknowledgment of deeds and other instruments in writing, which shall be good in any court in this State without further authentication; he may also take and certify depositions and affidavits, and the same shall have a like force and effect as if taken by a justice of the peace; he shall hold a city court every day, Sundays excepted, at a place to be furnished by the common council; while sitting as such court, he shall have exclusive jurisdiction of all prosecutions for violation of the by-laws and ordinances of the city and township in which such city is situated; he shall have, within the limits of said city, the jurisdiction and powers of a justice of the peace, in all matters civil and criminal arising under the laws of this State, and for crimes and misdemeanors; his jurisdiction shall be co-extensive with the county in which such city is situated: *Provided*, That in trials before him, he shall have power to adjudge imprisonment as a part of his sentence, not exceeding thirty days in the

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city or county prison. In all [indictments] in the city judge or mayor's court, either party may have a trial by jury, and a change of venue to a justice of the peace in such city, and appeal to a court of competent jurisdiction, under the same restriction, and in the same manner as in a justice's court, except in cases where the mayor has exclusive jurisdiction, no change of venue shall be allowed. The same rules of pleadings and practice shall be observed in the city or mayors's court that are in justice's courts. The mayor shall give bond, payable to the State of Indiana, in any penal sum not less than three thousand dollars, to be approved by the clerk of the circuit court with freehold security, conditioned for the faithful performance of his duties as mayor, and all other duties herein required, and file the same with the clerk of the circuit court within the time directed by law for justices of the peace; he shall receive such a salary, payable quarterly, as the common council may, by restoration, [resolution] order or direct: *Provided*, Such salary shall, in no case, be less than two hundred dollars per year. All fines and penalties collected by him shall be paid into the city treasury, except when otherwise directed by acts prescribing the duties and powers of justices of the peace. If the common council shall deem it expedient for the interests of such city to cause a city judge to be elected, the same may be done at any general election at which the mayor shall also be elected, and such city judge shall give the like bond as the mayor is herein required to give, and he shall, from and after his due qualification, perform all the judicial duties herein required to be performed by the mayor.

Mayor or city judge shall keep a docket.

SEC. 19. The mayor or city judge shall keep a docket as justices do, and in case of the absence of such mayor or city judge from the city for the space of five days or more, or of inability in consequence of sickness or other cause for a like period, shall, prior to such departure in the first case, and at the expiration of five days in the last case, (if his inability continue,) deposit, or cause to be deposited, his docket with any justice of the peace within said city, and such justice shall, during such absence or inability, be vested with, and exercise all the judicial powers and authority of said mayor or city judge, and be entitled to his fees and emoluments therefor. The mayor or city judge shall be entitled to the same fees as justices of the peace. In case of vacancy in the office of mayor or city judge, by death, resignation or otherwise, the council shall cause his docket to be placed in the hands of some justice of

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the peace in said city, who shall act as, and have all the judicial powers and authority of, each mayor or city judge, until such vacancy can be supplied by special election, and the official bond of such justice shall embrace all his official acts in such capacity.

Duty of Clerk.

SEC. 20. The clerk shall have the custody of all books and papers belonging to such municipal corporation; he shall make record of all proceedings of the common council, whose meetings it shall be his duty to attend; copies of papers and transcripts from the records certified by him under the corporate seal, shall be evidence of the matters therein contained in all courts of this State, and he shall be entitled to receive therefor, except when otherwise ordered by the common council, the same fees that are allowed to the clerk of the circuit court for similar services; he shall countersign all licenses, permits, treasury warrants and all other official papers of the common council, directing acts to be done or duties performed, and he shall do all other things required by the common council and pertaining to his office.

Duties of Assessors.

SEC. 21. The assessor shall, before the first Monday in May in each year, unless otherwise directed by the common council, make out a full and fair list and appraisement of all persons and property liable by law to taxation, arranging the names in alphabetical order, and setting opposite each name, in appropriate columns, the real and personal property assessed, with the description and value thereof; he shall make out a separate list of such other property or things as the common council shall, in their by-laws, direct to be specifically taxed; said assessment shall be completed at the time above indicated, and return made thereof to the clerk of the city, unless, by an order of the common council, further time be given him; he may, with the concurrence of the common council, appoint one or more assistants, who shall be sworn in like manner as other officers, to well and faithfully perform the duties thereof. Such assessor and assistants shall have the same powers, and be subject to the same provisions of the same law, as the assessor of real and personal property for State and county purposes; but if, at any time, any town or city adopting this act shall have no assessor, except the one elected on the first Tuesday in May as aforesaid, then it shall be lawful for the common council to appoint an assessor, who shall qualify as elected, and shall assess for the year, commencing on the first Monday in January next preceding such appointment, and the assessor elected at a regular election as aforesaid, shall assess as

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herein required for the year, commencing on the first Monday in January following such election.

Duties of Street Commissioner.

SEC. 22. It shall be the duty of the street commissioner, under the direction of the common council, to superintend the streets, alleys, market places, landings, the construction, repairing, cleaning and lighting the same, the building of sewers and drains, the purchase [of] the necessary implements of labor, and the employ-[ment] of laborers, and shall perform all the other duties incident to his office.

Powers and duties of Marshal.

SEC. 23. The marshal shall be the chief ministerial officer of the corporation, and is hereby invested with the powers of a constable therefor. He shall execute and return all process directed to him by the mayor, or city judge, or by order of the common council, and he may serve process directed to him by any justice of the peace in his city, and shall attend the mayor's or city judge's court. Such process may be served by him or his deputies in any part of the county. He shall suppress all riots, disturbances and breaches of the peace, and arrest persons guilty of the same; with the consent of the common council he may appoint one or more deputies, being responsible for the correct discharge of their duties.

Duties of Treasurer.

SEC. 24. The treasurer, in addition to the duties hereinafter prescribed, shall receive all moneys belonging to the city, and keep an account of all receipts and expenditures, in such manner as the common council shall direct. All moneys paid by him as treasurer, shall be drawn in pursuance of an ordinance or order of the common council, signed by the mayor or presiding officer of the council, and countersigned by the clerk. He shall exhibit to the common council, at least fifteen days before any annual election, and at all other times when required so to do by the common council, a full account of receipts and expenditures since last report, and the general condition of the treasury; and it shall be his duty at all times to keep the moneys of the city safely deposited, if practicable.

Duties of Civil Engineer.

SEC. 25. The civil engineer shall prepare plans, specifications and estimates, when thereunto directed by the common council, of proposed public improvements; and shall superintend the opening of streets and the preservation of the true lines thereof, and perform all other duties appertaining to his office, or directed by the common council.

Duty of other officers.

SEC. 26. All other officers elected or appointed shall perform the duties incident to their respective offices, as required by this act and the by-laws and ordinances of such city, made in pursuance thereof.

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Officers not herein otherwise required, shall file bond to State of Indiana, amount of bond, and where filed.

SEC. 27. The officers of such city not herein otherwise required, shall, before entering upon the duties of their respective offices, each execute a bond to the State of Indiana, in such penal sums and with such sureties as the common council shall direct and approve, and conditioned for the faithful performance of duty, and the payment of all moneys received by them according to law, which bond shall be filed with the clerk; except such clerk's bond, which shall be filed with the treasurer of the city. The bond of the treasurer shall be in double the amount of the estimated tax duplicate of the current year.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Common council, when to meet, &c.

SEC. 28. The mayor and common councilmen of said city shall constitute the common council; and shall meet within ten days after the annual election, and at such other times as they shall by resolution direct. The mayor shall be the presiding officer of the common council, and shall have a casting vote, in all cases, when a tie, but not otherwise. The presiding officer, in the absence of the mayor, shall sign all contracts, licenses, permits and other instruments, as the mayor might do, and they shall have like effect.

Regular meetings, quorum, minutes, &c.

SEC. 29. The common council shall hold stated meetings, at least twice in each month, and the mayor or any five councilmen, may call special meetings. A majority of all members to which the wards are entitled shall be a quorum, and the minutes of every such meeting shall be kept by the city clerk, which shall be open to public inspection.

Fire department, board of health, sealer of weights and measures and supervisors.

SEC. 30. At every such first annual meeting the common council shall appoint by ballot a chief engineer of the fire department, three commissioners to form a board of health, and, in their discretion, a sealer of weights and measures, and as many supervisors of streets, to act under the direction of the street commissioner, as they may deem necessary, and all other officers which the by-laws may create or require, unless, for good cause, deemed inexpedient at that time; and the common council may, by ordinance, prescribe such rules and regulations in addition to those herein contained, for the qualification and official conduct of all city officers as they may deem for the public good, and which shall not be inconsistent with the provisions of this act; and the common council may authorize any city officer, except the mayor or city judge, to appoint, with the concurrence of the common council, one or more deputies.

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Corporate seal.

SEC. 31. Each city common council shall cause to be provided a corporate seal, around the margin of which shall be the name of such city, and the word "Indiana," and, in the center thereof, such device as the common council may direct, and such seal shall be affixed to all instruments or writings needing authentication. The common council shall promise [furnish] all necessary books and stationery to the officers of such city.

Excise, licenses and penalties.

SEC. 32. All license granted shall be signed by the mayor and attested by the clerk; and all penalties for the violation of any by-law or ordinance shall be prosecuted before the mayor or city judge, by the city attorney, or some one on his behalf; and all fines and penalties, when received, shall be paid as directed in the eighteenth section of this act.

To keep streams running through or by open, and to regulate ferriage rates.

SEC. 33. The common council shall have power to keep open streams, and preserve, and, if necessary, change the course thereof, and of rivers passing through or bordering upon the corporate limits of such city; to prevent encroachments or injury to the banks thereof, or casting into the same offal, dead animals, logs, or rubbish; to regulate ferries across such streams, designate the kind of boats to be used, the time and place of landing, and the rates of ferriage.

May take down buildings liable to fall.

SEC. 34. They may take down any building or other structure liable to fall, and endangering life or property, if the owner or agent thereof, after five days' notice, fails to repair or remove the same; and the owner of such premises shall be liable to an action for the expenses of the removal of the building or structure.

Finances, real and personal property, by-laws and ordinances.

SEC. 35. They shall have the management and control of the finances of the city, and of all property, real and personal, belonging thereto; and shall have the additional power herein permitted, and may make and publish by-laws and ordinances necessary to enforce the same. The common council shall have power to pass ordinances—

First.—To regulate or prohibit the use of hand organs, or instruments of an annoying character, or other music of itinerant performers, in the streets, lanes, alleys, or public places of the city.

Second.—To fill up or drain any lot or parcel of ground within such city, or within one mile thereof, whereon water has or may become so stagnant and noxious as to be, in the opinion of such council, a nuisance, and injurious to the health or comfort of such city, or any part thereof, at the expense of the owner thereof, under such reasonable regulations as the common council shall prescribe.

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Third.—To prevent or regulate the use of fire arms, fireworks, or other sports, or other things or practice, tending to endanger persons or property.

Fourth.—To direct the location of tallow chandleries, soap factories, and other buildings or structures, and to prohibit the erection of such buildings, or the continuance of noxious trades or business therein, whenever the health or welfare of the city shall require the same.

Fifth.—To establish cemeteries or burial places, within or without such city, and to provide for the sanctity of the dead.

Sixth.—To establish quarantine regulations.

Seventh.—To preserve peace and good order, prevent vice and immorality, and quell riots and disorderly assemblages.

Eighth.—To establish and regulate the police of the city.

Ninth. To suppress gaming and gaming houses, and houses of ill-fame; to prohibit and destroy instruments and devices of gaming, and restrain fraudulent practices within the said city.

Tenth.—To compel the owner or occupant of any building that is filthy or unwholesome, to cleanse or abate the same.

Eleventh.—To direct the location of markets, or slaughter houses, or powder magazines, and to regulate the same.

Twelfth.—To regulate the use of coaches, hacks, drays and other vehicles for the transportation of passengers, freight or other articles, to or from points within the city for hire or pay.

Thirteenth.—To regulate all inns, taverns or other places used or kept for public entertainment; also all shops or other places kept for the sale of articles to be used in and upon the premises.

Fourteenth.—To regulate and restrain all tables, alleys, machines, devices or places of any kind for sports or games, kept for hire or pay; or to prohibit the use of the same as aforesaid, if deemed expedient, without a license being first obtained therefor, and, if deemed necessary to preserve peace, good order and morality, to prohibit the use of the same as aforesaid, by the infliction of such penalties as this act will permit to be provided for by ordinance.

Fifteenth.—To regulate and restrain all theatrical and other exhibitions and public shows, for which money is demanded or received; and, if deemed expedient, to prohibt the same, without a license being first obtained therefor.

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Sixteenth.—It is expressly provided that lectures on scientific, historic, benevolent or literary subjects, and the apparatus for the elucidation of the same, and specimens of fine arts, shall not be deemed within the provisions of this act.

Seventeenth.—To prevent immoderate driving or riding, and cause the person guilty of the same to be stopped thereat by any citizen of such city.

Eighteenth.—To prevent the encumbering of streets, squares, sidewalks and crossings, with vehicles, or any other substance or materials whatever, interfering with the free use of the same.

Nineteenth.—To regulate the time and place of bathing in the rivers, or other public waters of said cities.

Twentieth.—To restrain and furnish [punish] vagrants, mendicants, street beggars, and common prostitues.

Twenty-first.—To impound cattle, horses, swine, fowls, and other animals at large, and sell the same for the penalty and cost of keeping.

Twenty-second.—To prevent the deposit of any unwholesome substance within the city limits, and punish persons guilty of the same, and to remove or destroy putrid animal or vegetable matter therein; if the person occupying the premises fail to do so, upon notice given, the city shall have an action against him.

Twenty-third.—To regulate the ringing of bells and crying of goods, and to restrain banking and peddling.

Twenty-fourth.—To remove or confine persons having infectious or pestilential diseases.

Twenty-fifth.—To regulate the keeping of bills of mortality, and to provide penalties for the neglect of any person in relation to the same.

Twenty-sixth.—To construct and establish works for furnishing the city with wholesome water, and for that purpose may go beyond the city limits, and exercise full jurisdiction and all necessary power therefor.

Twenty-seventh.—To appoint watchmen and prescribe their duties.

Twenty-eighth.—To establish and regulate public pounds.

Twenty-ninth.—To construct and establish gas works, or to regulate the establishment thereof by individuals or companies, or to regulate the lighting of streets, public grounds, and buildings, and to provide by ordinance, what part, if any, of the expense of lighting any street or alley shall be paid by the owners of lots fronting thereon, and in what manner the same shall be assessed and collected, and to make the same a lien on real estate.

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Thirtieth.—The common council shall, in their by-laws, provide for the compensation of all city officers, at their first meeting, or within one month after their election, and where any salary is given, the same shall not be diminished during the term of the then incumbent.

Thirty-first.—To regulate the management of all public property, markets and market spaces, and sales of meats, fish and vegetables; to prevent, by ordinance, the offense of regrating and forestalling; to appoint a market master and invest him with power to make arrests for the violation of city ordinances in his view, and to make councilmen and all other city officers conservators of the peace within such city, with power to arrest in like manner.

Thirty-second.—To regulate and protect fire engines, hose, hooks and ladders.

Thirty-third.—To regulate the selling, weighing and measuring of hay, wood and coal, and other articles.

Thirty-fourth.—To prevent the erection of wooden buildings in such parts of the city as they think for the public good.

Thirty-fifth.—To erect and establish market houses and market spaces, engine houses, school houses and schools, house of refuge, pest house and hospital.

Thirty-sixth.—To establish and construct wharves, docks, piers and basins, and to regulate landing places, and fix the rates of landing, wharfage and dockage, and provide for the appointment of harbor and wharfmasters and port wardens; all claims for landing, wharfage and dockage accrued to said city, shall be a lien upon the boat, vessel or water craft contracting the same, and after a demand made by the wharfmaster upon the owner, master, clerk or consignee thereof, and refusal of payments, may be enforced by attachment before the mayor of such city, when the amount claimed does not exceed one hundred dollars, in the same manner and to the same extent that liens on boats and other water crafts are now enforced under the general laws of this State, and all the proceedings and pleadings shall be conformable thereto, as far as practicable.

Thirty-seventh.—To establish a board of health, and to invest it with the necessary power to attain its objects.

Thirty-eighth.—To establish stands for hackney coaches, cabs and omnibuses, to enforce the observance and use thereof, and fix the rate and prices for the transportation of persons and property, from one part of the city to another.

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Thirty-ninth.—To regulate or prohibit runners at wharves, steamboat landings, and railroad depots, and stations and other places.

Forty.—To regulate the sales of all kinds of property at auction in the streets, stores, shops, or elsewhere in the city, and to license auctioneers and require them to pay a specific license, or to pay a reasonable per cent. on the amount of the sales.

Forty-one.—To regulate the speed of horses, carriages, locomotives and other vehicles, within the city.

Forty-second.—To regulate all bridges, culverts, sewers, canal draw or bridges, and the location thereof.

Forty-third.—To regulate the building of partition fences within the limits of said city, and to prescribe by ordinance in what proportion the adjoining owners shall bear the expenses of the same, and in what manner such expenses shall be levied and collected.

Jurisdiction of council.

SEC. 36. For the removal and abatement of nuisances, to carry out and enforce sanitary regulations, and for the apprehension of vagrants, or disorderly persons, the common council shall have jurisdiction one mile beyond the corporate limits of said city.

Infirmary for poor.

SEC. 37. The city council shall have power to erect and establish, to maintain and regulate an infirmary for the accommodation of the poor of said city, either within the limits of such city, or within the county in which it may be situated; and for such purpose may purchase and hold any real estate that may be deemed necessary. The management and government of any such infirmary, and the granting of out-door relief to the poor, under such rules and regulations as the council may prescribe, may be vested in a board of three directors, to be elected by the city council, and hold their office for the term of three years; but it shall be so provided that one of said directors shall be elected annually. The city council may elect, or the said directors shall appoint an overseer in each ward, who shall perform such duties in respect to the care of the poor, and their removal to said infirmary, as the council may prescribe.

To enforce the observance of by-laws, &c.

SEC. 38. The common council shall have power to make other by-laws and ordinances, not inconsistent with the laws of this State, and necessary to carry out the objects of the corporation, and to enforce the observance of all by-laws and ordinances, by enacting such penalties for their violation, not exceeding fifty dollars for any one offense, which may be recovered in an action at law, with costs, as they may deem right and proper.

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Publication of by-laws.

SEC. 39. Every by-law imposing a penalty or forfeiture for the violation thereof, shall, before the same [shall] take effect, be published two weeks consecutively, in some newspaper printed in the city: *Provided*, That in case of insurrection, riot, pestilence, conflagration, or other impending danger, requiring the immediate operation of such ordinance, it shall take effect as soon as proclamation is made thereof by such common council, and posted at five public places in each of the wards of such city.

Suits to be brought in corporate name.

SEC. 40. All actions brought to recover any penalty or forfeiture incurred under this act, or by-laws or ordinances made in pursuance thereof, shall be brought in the corporate name of the city; and recoveries upon the same, when collected, shall be paid into the treasury of such city. The process in every such action shall be a warrant, and the person named in such warrant shall be arrested and retained in custody, or under reasonable recognizances, until the next sitting of the city court.

May commit to jail or work-house, and convict to work streets, &c.

SEC. 41. If the penalty or forfeiture in which judgment is obtained is not paid or received, the defendant may be committed, for any period not exceeding thirty days, to the work-house of said city; or, if said city have no work-house, then to the county prison of the county in which such city is situated; and, in the latter case, it shall be the duty of the person having charge of such prison to receive such defendant, and obey the judgment of the city or mayor's court, in reference to him or her; and in default of payment or replevy of such judgment and costs, the defendant, unless a female, may be adjudged and required to pay the same by manual labor, in said work-house, or in the streets, or other public works of said city, under the control of the street commissioner, or marshal of said city; for which labor said defendant shall be allowed, on such judgment and costs, sixty cents per day. It shall be the duty of such street commissioner, or marshall, to work said defendant, not less than eight or more than ten hours per day, according to the season, and each evening to return him to the custody of the keeper of such prison or work-house; and upon the full payment as aforesaid, of said judgment and costs, said defendant shall be fully discharged; and said street commissioner and marshal are hereby authorized and required to perform all the duties herein prescribed, and to use all proper means thereto; and the keeper of such prison or work-house shall receive, for the keeping, custody, and boarding of said defendant, fifty cents per day, to be

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paid by such city, and only one commitment fee, and one discharging fee; and said defendant may, at any time, replevy and balance off said judgment and costs.

May levy and collect a general and specific tax.

SEC. 42. The common council shall have power to levy and cause to be assessed and collected, in each year, an *ad valorem* tax, of not more than one per centum, for general purposes, on all property subject to State and county taxation, within such city, and, also, a specific tax on omnibuses, or any carriages, and other vehicles used and run for passengers for hire, unless the same be licensed; and on each dog owned by any resident of such city, of not more than two dollars; and on each bitch owned by any resident of such city, of not more than five dollars; and, also, a poll tax, not exceeding fifty cents, on every male inhabitant, sane and not a pauper, of the age of twenty-one years, and not exceeding fifty years, residing therein.

Unknown owners.

SEC. 43. Where the assessor or his assistants cannot ascertain the name of the owner of any lot or parcel of land, or any person claiming the same, it shall be listed to "owner unknown;" and the sale of such lot or parcel of land, by virtue of any tax assessed thereon, shall be as valid as if assessed to the true owner or claimant thereof.

Board of equalization of assessments.

SEC. 44. The common council, together with the assessor, shall constitute the board of equalization of such city, and shall, within one month after the assessment roll has been returned, at a stated meeting thereof, of which at least two weeks' notice shall be given, hear and decide all complaints in relation thereto, and shall equalize the same as right and justice may require, and shall have the power to equalize the calculations [valuations] made by such assessor, either by adding to or deducting from any valuation made as aforesaid, such sum as to them, or a majority of them, may appear just and equitable. The common council shall then proceed to fix the amount, and rate of tax to be levied on property and polls within such city.

Tax duplicate and collection of taxes.

SEC. 45. The clerk, under the direction of the common council, shall proceed to make out the tax duplicate for the current year, and on or before the first Monday in August of such year, shall deliver the same, with a warrant under the corporate seal, signed by the mayor and attested by such clerk, attached thereto to the treasurer of such city, directing him that of the goods and chattels of all and every person named in said duplicate, and of all persons whose names may be added thereto by him, he shall cause to be made, by distress and sale, if necessary, the amount of tax charged

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against each of said persons named in said duplicate, and make report of his doings in the premises by the first Monday in January next following, and make full return, report and final settlement thereof, by the first Monday in March next following.

When land may be sold for taxes.

SEC. 46. If no goods or chattels can be found, out of which to make the tax charged against any person named on such duplicate, the treasurer shall sell any lot or land, or so much thereof as may be necessary, listed to such person, to pay the tax, with costs thereon; and the treasurer's certificate to the purchaser shall state for what tax or taxes said lot or parcel of land was sold.

Taxes to be a lien on property.

SEC. 47. All taxes upon real estate shall, from the time the tax duplicate is completed, be a lien thereon to the same extent as a judgment of a court of record, and shall have preference to any private charges upon the same; and all taxes upon personal property shall have preference over all private claims.

Treasurer need not demand taxes.

SEC. 48. The treasurer shall not be required in any instance to make a demand of taxes from the person charged therewith, but may, in his discretion, do so; and if any person charged with a poll tax upon any personal property, or any tax on real estate, shall fail when called on to pay the same, it shall be lawful for said treasurer to seize the goods and chattels of such defaulter forthwith.

Treasurer in certain cases may require statement under oath.

SEC. 49. The treasurer shall require of each and every person whom the assessor failed to list a statement of the taxable property and the value thereof, which shall be given under the same regulations as if furnished the assessor; and for that purpose the treasurer is authorized to administer the necessary oath or affirmation. If such person fail to furnish such statement, the treasurer shall value the same, as the assessor is required to do in like cases.

When and how taxes collected.

SEC. 50. After the first Monday in September, and before the first Monday in November, the treasurer shall proceed to collect the taxes on his duplicate either by seizure and sale of the goods and chattels of the owner thereof, or by sale of the lot or parcel of land, or so much thereof as may be necessary, upon which the taxes are in whole or in part levied, to pay the same and taxes assessed on the personal property of the owner thereof, together with the costs accrued or to accrue in advertising, selling and conveying the lot or land: *Provided*, That the treasurer may, at any time, after the first Monday in November, seize and sell the goods and chattels of any person on such duplicate, if he deems it necessary to secure the tax against any such person.

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Treasurer to give notice of time and place of such sale of lots for taxes.

SEC. 51. The treasurer shall give public notice of the time and place of sale of all goods and chattels to be sold, at least ten days previous to the day of sale, by written or printed advertisements to be posted up in at least three public places in the city where such sale shall be made.

Such sale to be by auction.

SEC. 52. Such sale shall be by public auction, and no more property shall be sold than sufficient to pay the tax, costs and charges; and, if convenient, to be sold in parcels, and if sold for more than the amount necessary, the surplus shall be returned to the owner thereof, and cost for which it was sold; and any owner or claimant thereof, his agent or attorney, may redeem the same upon the terms and in the like manner as the lands sold for State and county taxes are redeemed by payment to the city clerk.

Sale of lots for taxes.

SEC. 53. In selling lots and parcels of land, the treasurer shall offer the least quantity thereof that any bidder will take and pay the amount of tax and cost assessed, and he shall make, seal and acknowledge before some competent authority, a certificate of the land thus sold to such person. Before making such sale, the treasurer shall give notice not less than twenty days in a newspaper, printed and published in said city, that on a certain day therein named, he will offer for sale, the lands and lots on which taxes shall remain unpaid, or so much thereof as shall be necessary to pay said taxes and the costs of seizure and sale. If such city is a county seat, it shall be made at the court house door; if not, it shall be made at the outer door of the city hall, or other place of meeting of the common council.

Return of sale and redemption.

SEC. 54. It shall be the duty of the treasurer immediately after the sale of any lot or parcel of land to make return of the same to the clerk of such city, distinctly stating the lot or parcel of land sold, the name of the purchaser, the day of sale, and the amount of taxes and costs for which it was sold; and any owner or claimant thereof, his agent or attorney, may redeem the same upon the terms, and in the like manner as the lands sold for State and county taxes are redeemed by payment to the city clerk.

Return and settlement of treasurer.

SEC. 55. Such treasurer shall, by the first Monday of March in each year, make return of the tax list and warrant to him, with a full account of his doings thereon, and make a final settlement with the common council of such city. Such return shall state specifically the aggregate amount of money collected and received, and the amount remaining unpaid on such duplicate, with

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the names of the defaulters, and the cause of the failure to enforce payment thereof, and shall be verified by the affidavit of such treasurer.

Compensation of treasurer.

SEC. 56. The treasurer shall be entitled to such allowance as may be made him by the common council, and for collections made by distress and sale, and charges for keeping and removing property distrained, he shall be paid the same fees as are paid to county treasurers for like services.

In case of no sale of lot, the same to forfeit to city, &c. Duty of clerk as to making duplicate for 1857.

SEC. 57. In case of no sale of any lot or parcel of land for want of bidders, the treasurer shall so return to the common council, and the said lot or parcel of land shall thereafter be considered as forfeited to such city, to be disposed of as the common council shall thereafter, by ordinance, direct, but no disposition shall be made by such common council until after the expiration of four years from the date of such forfeiture, and until so disposed of or redeemed, such lot or parcel of land shall be continued on the duplicate, charged with all arrearages for which it was so forfeited, and interest and ten per centum damages per annum, and shall be annually assessed and charged with all accruing taxes, penalties and interest, as other lands. Such land shall be annually offered for sale, with and on the same terms as other delinquent lands, and, until sold for the amount of all arrearages, may be redeemed as provided in section fifty-four, on payment of the same into the city treasury by the owner or owners thereof. All sales by the treasurer for delinquent taxes, and the giving of certificates and conveyances therefor, shall be conducted in the like manner as by the county auditors under the general law of the State; but such conveyance shall be made to such purchaser in the corporate name of such city. It shall be the duty of the clerk, in making out the duplicate for the year 1857, to add, in an appropriate column, all delinquent taxes for former years against any person or corporation named upon said duplicate, and all such delinquent taxes shall be collected as other delinquent taxes are collected.

When may borrow money.

SEC. 58. No incorporated city under this act shall have power to borrow money or incur any debt or liability, except in the execution of the powers herein expressly granted, unless three-fourths of the resident tax payers shall petition the common council to contract such debt or loan; and for any debt contracted in pursuance of any such petition, the common council shall add to the tax duplicate of each year successively, a levy sufficient to pay the annual interest on such debt or loan, with an addition of not less than five cents on the

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hundred dollars, to create a sinking fund for the liquidation of the principal thereof, which fund, with all the increase thereof, shall be applied to the payment of such debt, and to no other purpose.

STREETS, BRIDGES, AND PUBLIC IMPROVEMENTS.

Laying out and repairing streets.

SEC. 59. The common council shall have exclusive power over the streets, highways, alleys, and bridges, within such city, and to lay out, survey, and open new streets and alleys, and straighten, widen, and otherwise alter those already laid out, and to make repairs thereto, and to construct and establish side-walks, crossings, drains, and sewers. They may cause buildings, structures, or other things in the way of any street or other public improvement, to be taken down, removed, and appropriated, upon the payment of damages, as hereinafter provided; and no person residing in said city shall be required or compelled to work on any road without the city, nor shall any property, lying or being within the city, be taxed for the purpose of working, opening, improving or repairing any road or bridge without the limits of said city, and the common council may exercise all the powers of township trustees, and the street commissioner, under the direction of the common council, may perform all the duties and exercise all the powers of township trustees, in reference to a road labor tax, of two days, by each person liable to work on roads in townships, and shall be governed by the same rules and regulations in reference to the collection and enforcement of the same, or any person so liable to work may be discharged therefrom, on the payment of one dollar and fifty cents per annum.

Damages arising under preceding section appraised by commissioners.

SEC. 60. There shall be appointed, by the court of common pleas of the county in which said city is situate, once in each year, upon the application of the common council, five commissioners, who shall be freeholders of the city, to appraise and assess the damages and benefits accruing to the owner of any land or lot through which any street is proposed to be constructed or altered, on any building thereon appropriated, as provided in the preceding section. Such commissioners shall, at the time of their appointment, take and subscribe an oath or affirmation, faithfully to perform the duties of such commissioners, which shall be endorsed upon or attached to their appointment, and filed with the clerk of the city. Twenty-one days notice shall be given such commissioners by the common council, through the city clerk, of any appraisement they may

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require to be made, a like notice shall be given by personal service, or by leaving the same with some person of suitable age, at their reputed place of abode, to each of the owners or agents thereof, of lots or land upon or through which the public improvement or street is proposed to be made. If the owners are unknown, or non-residents, publication of the same, in one or more newspapers of the city, for two weeks, shall be deemed equivalent to such personal service.

Powers and duties of commissioners to assess damages.

SEC. 61. Such commissioners, or a majority of them, shall, at the place and time indicated in such notice, proceed to an examination of the real estate proposed to be appropriated as aforesaid, and shall then and there estimate:

First.—The value of the land or other property to be appropriated for such improvement.

Second.—What part thereof, if any, ought to be borne by the city.

Third.—What real estate, if any, would be benefitted by the improvement through, or upon which the same is made, specifying the same in parcels, with the name of the owner, if known, and the proportion of benefits each would receive, and the proportion of damages sustained by each. They shall view the premises and receive any evidence touching the questions before them, and may, for that purpose, administer oaths to witnesses examined in relation thereto. They shall report upon each of the specifications above indicated, and, within ten days thereafter, file the same with the clerk of the city.

Payment of damages.

SEC. 62. When such report is filed, as in the preceding section required, the common council, if it accepts the terms of the same, shall direct the treasurer of the city to tender to the owner or owners of such real estate, or their heirs or representatives, the damages awarded by such commissioners, deducting the amount of benefit assessed to such owner or owners, or if not found within the city, or the award is not accepted, then the same shall be kept by the treasurer as a special deposit, subject to the order of such owner or his heirs or representatives.

To make out assessment list, real estate to be benefitted by improvements, &c.

SEC. 63. If the common council, within twenty days after the filing of said report, by a vote of two-thirds of its members, determine to make the appropriations of real estate for such improvement, it shall cause an assessment list to be made by transcribing so much of the report aforesaid, as describes the parcels of real estate to be benefitted by the opening, with the name of the owner, if known, and the amount of benefit which

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each would receive thereby, directing such amount to be assessed upon such parcels of real estate, respectively; the assessment list shall resemble in form, as nearly as practicable, the tax list, a copy of which shall be retained by the clerk, and the original delivered to the treasurer, to be collected by him, as other assessments for public improvements are collected.

If common council either accept or reject report, owners of land aggrieved may appeal to any court having jurisdiction, &c.

SEC. 4. The common council shall, within twenty days from the filing of said report, either accept or reject the terms of the same; and any owner of land, or representative thereof, aggrieved by such report, may appeal therefrom, at any time within thirty days after the filing thereof, to any court having jurisdiction of the same, upon filing the usual bond with the city clerk, for costs; but no such appeal shall prevent any such city from proceeding with said appropriation and improvement, as if no appeal had been taken. No other question shall be determined than the regularity of the proceedings in the suit and the amount of damages sustained.

If owner of land be an infant, or of unsound mind, &c., no proceedings to be had until guardian appointed, &c.

SEC. 65. When the owner of any such lands or buildings appropriated as aforesaid, shall be an infant, or of unsound mind, no proceedings shall be had effecting the rights of such persons, until a guardian therefor shall be appointed by the court having probate jurisdiction, and such guardian shall have given security to the satisfaction of such court for the faithful performance of the trust; but any proceeding affecting such rights shall only be void to that extent.

Two thirds of owners petitioning for improving street, alley, or side walk, work to be let.

SEC. 66. When the owners of two-thirds of the whole line of lots bordering on any street or alley, in any city, or a part of any street or alley not less than one whole square between any two streets crossing the same, and measuring only the front line of such lots as belong to persons resident in such city, shall petition to the common council to have the sidewalks graded and paved, or the whole width of the street graded and paved, or for either kind of improvement, or for a full improvement in general, or for lighting such city, according to the general plan of such improvement in said city, the common council may cause the same to be done by contract given to the best bidder after advertising to receive proposals therefor.

Contracts therefor.

SEC. 67. In all contracts specified in the last preceding section, the cost of any such improvement shall be estimated according to the whole length of the street or alley, or the part thereof to be improved per running foot, and the city shall be liable to the contractors for so much thereof only as is occupied by the crossing

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of streets or alleys, or by public grounds of the city bordering thereon, and the owners of lots bordering on such streets or alleys, or the part thereof to be improved, shall be liable to the contractor for their proportion of the costs, in the ratio of the first line of the lots owned by them to the whole improved line: *Provided*, That when the owner of any lot shall have made any improvement in front of his lot, in accordance with the general plan for the improvement of such street, and under the direction of the city engineer, he shall be entitled to a reasonable allowance therefor, upon his proportion of the cost of such improvement, which reasonable allowance shall be determined by the said engineer.

Estimates for work, which shall be a lien on property to same extent that taxes are, &c.

SEC. 68. When any such contract shall be made, or shall have been heretofore made, and shall be in progress of fulfillment, the common council shall have power to cause estimate to be made from time to time of the amount of work done by the contractor, and to require such amount to be paid to him, deducting a reasonable per centage to secure the completion of the contract, until the whole shall be finished, and to prescribe the time within which the same shall be completed; and such estimates shall be a lien upon the ground upon which they are assessed, to the same extent that taxes are a lien, and shall have the same preferences over other demands. The common council, with the concurrence of two-thirds of the members thereof, may order or cause any or all of the improvements mentioned in the preceding section, and repairs of any kind of streets and alleys to be made in like manner, without such petition, and either charge and cause any or all of the expenses thereof to be assessed and collected, as hereinafter provided when petition is made, or, if it is deemed just and right by the common council, to cause such expenses, or any part thereof, to be paid out of the general revenue of the city.

If owners refuse to pay, amount to be collected by suit, &c. Appeal. Duty of Treasurer if no appeal is taken.

SEC. 69. In case any of the owners of lots or parcels of ground on which such assessments have been made, shall fail or refuse, for the space of twenty days, after the date of the estimate, to pay the amount thereof due by them to such contractor, and such contractor shall have filed his affidavit with the clerk of said city, stating that in part, or if any, how much of any such assessment has been paid, and the amount remaining unpaid, it shall be lawful for the common council, at the request of such contractor, to cause a precept to issue for the collection of any such assessment, or any unpaid balance thereof, under the corporate seal, signed by the

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mayor and attested by the clerk, setting forth the name of the person against whom the assessment is made, the description of the lot or land on which it is made, the amount of such assessment, and the date of the estimate or estimates, and such precept shall be directed to the treasurer of such city commanding him to make such assessment or unpaid balance thereof, by demanding payment thereof, within ten days after receiving such precept, of the owner in whose name such assessment is made, either personally or at his last or usual place of residence; or if such owner be unknown, or not a resident of such city, then by publication for two weeks, in a newspaper printed and published in the city or in the county wherein such city is situate, briefly setting forth the substance of such precept, and giving notice that if such assessment is not paid within twenty days after such publication, he will proceed to make the same by levy and sale of the lot or land wherein the same is assessed. Any owner of land, or his representative, aggrieved by such precept, may appeal therefrom within twenty days after such demand or publication to the common pleas court of the county wherein such city is situated, upon filing sufficient bond with the city clerk, conditioned for the payment of whatever judgment may be rendered against such appellant in such court, and such appeal shall stay all futher proceedings by such treasurer, and said court shall have full jurisdiction to hear and determine such appeal. If no appeal shall have been taken, as aforesaid, then it shall be the duty of such treasurer, within ten days after the expiration of said twenty days, to lay said precept upon the lot or land therein described, and to sell the same, or so much thereof, as may be necessary to pay such assessments, with costs and charges; but before any such sale he shall give notice of the time and place thereof, by advertising the same, for three weeks successively, in a newspaper printed and published nearest to such lot or land, if any such be printed and published within the county wherein such city is situated, and by posting up written or printed notices thereof, in at least three public places in said city, and every such sale shall be by public auction, and upon or near the premises, or in the city court room of said city, in the discretion of said treasurer, and no sale of said lot or land, previous or subsequent to the date of such estimate and subsequent to the date of such petition, or determination of the common council to make such improvement without petition, shall invalidate or affect any sale thereof in pursuance of this act. Upon the

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sale of any lot or land by virtue of such precept, and the payment of the purchase money, the treasurer, or in case of his death or going out of office, his successor shall execute, acknowledge and deliver to the purchaser, a certificate of conveyance for the premises, which shall be valid and effectual to convey all the right, title and interest of any such owner or purchaser from him, as aforesaid, except as hereinafter provided. In case the purchaser of any real estate under a precept, as aforesaid, having paid the purchase money therefor, shall die before a certificate of conveyance, as herein provided, shall have been executed to him, the treasurer shall convey the same to the heirs or devisees of each deceased purchaser. The proceeds of any such sale shall be applied as follows, to-wit: *First*, to the payment of said assessment with interest thereon from the date of such estimate, and all costs accrued thereon by reason of said sale; and, *Secondly*, the residue of such proceeds shall be paid to the owner, or his or her heirs or representatives, of such real estate, or if unknown, it shall be paid into the city treasury, and such city shall at all times be responsible to such owner, heirs or representatives for such residue. The purchaser under each receipt. shall hold such real estate subject to the lien of the unpaid part of its proportion of the whole cost of the improvement. The treasurer shall be entitled to a commission of five per centum on the first hundred dollars, and three per centum on any excess above that sum, but when the money is paid to him without sale, one half commission only, shall be received by him; for levying on the real estate and advertising the same, he shall receive one dollar; for personal demand of payment, twenty-five cents; for demand by publication, fifty cents; for the return of the precept, with his doings thereon, one dollar; for making certificate on sale of real estate, one dollar; he shall endorse on said precept the time of receiving the same, and within three months thereafter, he shall make return thereof to the clerk with his proceedings thereon. Any purchaser failing to pay the purchase money, shall be subject to the like penalties and proceedings as purchasers at sheriff's sales are by the laws of this State. The owner of any lot or land sold as aforesaid, or his agent or attorney, heirs or representatives, may redeem the same at any time within one year after the day of sale, by paying to the purchaser, or to the city treasurer for the use of the purchaser, or his heirs or assignees, the sum mentioned in his certificate, and the amount of all subsequent assessments paid by the purchaser, with fifty per centum on the

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whole sum, and interest from the date of purchase or time of payment; *Provided*, That infants, idiots, insane persons, and *femmes covert*, may redeem any such lot or land belonging to them sold for assessment as aforesaid, within one year from the expiration of such disability. Claimants of a part of such land, or of any undivided part of the same, may redeem the whole as other owners may redeem. If such owner, or any person on his behalf, shall redeem such land within one year as aforesaid, at the expiration thereof, and on the production of the certificate of purchase, the treasurer shall execute to the purchaser, his heirs or assignees, in the name of the State, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims which the city may have thereon for assessments or liens or incumbrances. Such certificate and final conveyance shall resemble, as nearly as may be, the certificate and conveyance for tax sales.

OF THE PREVENTION AND EXTINGUISHMENT OF FIRES.

Councilmen to be fire wardens.

SEC. 70. The councilmen, by virtue of their offices, shall be fire wardens, or the common council may appoint one or more fire wardens; and all fire wardens shall have power at all reasonable hours, to enter into and examine all dwellings, out-houses, lots and yards, in their respective wards, or in said city, to inspect all places wherein fire is used, and to ascertain how ashes are kept and disposed of.

May regulate construction of chimneys, stoves, boilers, &c.

SEC. 71. The common council shall have power to regulate the construction of chimneys, hearths, ovens, the erection of stoves and stove-pipes, boilers, and all apparatus used in manufactories, and in buildings, and cause the same to be removed or made secure when considered dangerous; to compel the owners and occupants of houses and other buildings, to make scuttles in the roof thereof, and stairs or ladders leading to the same.

May procure fire engines, &c.

SEC. 72. The common council may procure fire engines, and all other apparatus necessary for the extinguishment of fires, and have the charge and control of the same, and shall provide engine and other houses for their preservation and security; shall organize, from reputable citizens, fire and hook and ladder companies, and companies auxiliary thereto, and make rules for their government and regulation, with such penalties for neglect and misconduct as shall be deemed

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proper. They may remove members of such companies and appoint others in their stead.

Chief engineer, his duty and powers.

Sec. 73. The chief engineer shall have the superintendence of the fire department. [He shall see that all apparatus for the extinguishment of fires, belonging to the city, is kept in proper order, and from time to time report to the common council, the condition of the same, and the repairs or additions thereto to render the department efficient.] He shall appoint a first and second assistant engineer, with the advice and consent of the common council, who shall act under his directions. Said engineer and assistants, when clothed with their proper badges, shall have authority to require any person present, and not attached to any fire company, to work in extinguishing the fire, or in aiding to save property from [destruction or injury, in such places and in such manner as the said engineer or assistants shall direct, and to order all bystanders, who are unemployed, or whose assistance is useless, to remove to such distance as the said engineer or assistants may prescribe. Said engineer and assistants shall have all the power of police officers during the continuance of a fire, to suppress disturbances, and to arrest any person, who may commit any breach of the peace or any depredation or injury to the property of another, or who shall refuse to obey any order or direction lawfully given by said engineer or his assistants, and to conduct the offender before the mayor, or other proper magistrate, or, if necessary, to commit him to the county prison or jail until a hearing can be had.]

Engineer, assistants, &c., to have their names registered.

Sec. 74. The engineer and assistants of the fire departments, fire wardens and firemen, and members of all other auxiliary companies to the fire department, established by the common council, shall have their names registered with the clerk of the city, and his certificate of such registry shall exempt such persons, for the current year, from serving on juries in all courts, and in the malitia, except in case of war, invasion or insurrection.

In case of fire, building blown up, and amount of damages therefor.

Sec. 75. When any building in the city is on fire, or any building adjacent thereto is liable to take and convey fire to other buildings, to the great destruction of property, it shall be lawful for the chief engineer, or engineer acting as such, with the concurrence of the mayor or any five councilmen, to take down, blow up, or destroy the same, and no action shall be maintained against any person therefor; but the person owning or having an interest in such building, may, within three months thereafter, apply, in writing, to the common

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council to assess the damages sustained thereby, and the common council shall appoint three reputable freeholders to determine the amount of damages done to the property of the complainant by the destruction of such building. Such assessment shall be made under oath, and subscribed by the person making the same, and filed with the clerk of the city within ten days from the date of their appointment; but the complainant or corporation may, within twenty days thereafter, appeal therefrom to the circuit or common pleas court of the proper county. The damages awarded by the common council, or by the judgment of such court, shall be added to the next annual levy, and collected with the general tax, and paid over to such claimant.

GENERAL PROVISIONS.

By-laws to be recorded and signed

SEC. 76. All by-laws and ordinances shall, within a reasonable time after their passage, be recorded in a book kept for that purpose, and shall be signed by the presiding officer of the city, and attested by the clerk. On the passage or adoption of any by-laws, ordinances, or resolution, the ayes and nays shall be taken and entered on the record.

Pay of officers.

SEC. 77. The common council shall, in their by-laws, provide for the compensation and pay of all officers of such city, where any is given

New wards, how created.

Sec. 78. Whenever a petition, signed by thirty or more freeholders, is presented to the common council, praying for the creation of a new and additional ward, and such petitioners are residents of, and shall have freehold within the limits of the proposed ward, and have attached thereto a roll containing an enumeration of the inhabitants thereof, verified by affidavit, such council, if they find that the proposed ward has the requisite population, and that the petition is genuine, shall submit the question to the voters of the city, at the next annual election, by publishing the proposition in the general notice of elections, and the question shall be decided by ballot, "Yes" or "No," as is provided in section six of this act, in relation to the incorporation of cities.

Cities now incorporated, may organize under this act.

SEC. 79. Any city heretofore incorporated under a law of this State, may, by a resolution of the common council, adopted by a majority vote thereof, and entered upon their record book, become a municipal corporation under this act; the same shall be deemed a surrender of the charter of such city, with all the rights and franchises therein contained, and no such city shall

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be entitled to any provisions of this act, without adopting the whole act.

No right, prosecution or suit, to be effected by such surrender.

SEC. 80. No rights acquired, or liabilities incurred, in favor of or against any city, and no suit or prosecution of any kind pending, shall be affected by the surrender thereof, as provided in the preceding section, but the same shall remain and be in progress, as if no change had been made; and all property, real and personal, of any kind whatever, belonging to any town or city before its acceptance of this act, shall be and remain the property of such city from and after its adoption of this act. Cities shall, in all cases, be liable to pay interest on their orders or other liabilities, payable on demand, from and after such demand, which shall be endorsed on the same by the treasurer when presented.

Sinking fund.

SEC. 81. For the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of any city coming under this act of incorporation, the common council thereof, shall, annually, levy and collect, in addition to other taxes herein provided, not less than half a mill on the dollar upon the taxable property in such city, which shall be paid into the treasury and applied, by direction of the common council, to the extinguishment of the bonds and debts aforesaid, and to no other purpose whatever. There shall also be levied and collected, annually, an additional tax to pay the whole interest of the public debt due from said city.

Loans, how and when made.

SEC. 82. Loans may be made by a vote of two-thirds of the common council, in anticipation of the revenue of the current and following year, and payable within that period; but the aggregate amount of such loan in any fiscal year, shall not exeeed the levy and tax authorized by this act for municipal expenses for the same year.

City limits may be extended.

SEC. 83. Whenever there shall be, or may have been, lots laid off and platted adjoining such city, and a record of the same is made in the recorder's office, in the proper county, the common council may, by a resolution of the board, extend the boundary of such city, so as to include such lots; and the lots this annexed shall thereafter form a part of such city, and be within the jurisdiction of the same. The common council shall, immediately thereafter, file a copy of such resolution, together with a map or plat of survey, defining the metes and boundaries of such addition, in the office of the recorder aforesaid, which plat shall be recorded; and whenever any city, incorporated under the acts

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hereby repealed, shall have, since the adoption of said acts by said city heretofore, by a resolution of the common council, annexed any territory contiguous to said city, and shall have filed a plat or map of survey, defining the metes and boundaries of such annexed territory in the office of the recorder of the proper county, such annexation of territory shall be deemed to be valid and effectual, and such annexed territory shall be deemed a part of such city, and within the jurisdiction of the same, from the time of the adoption of the said resolution.

Contiguous territory may be annexed.

SEC. 84. When any city shall desire to annex contiguous territory thereto, not platted or laid off, the common council shall present to the board of county commissioners a petition, setting forth the reasons for such annexation, and shall accompany the same with a map or plat, accurately describing, by metes and bounds, the territory proposed to be attached, which shall be verrified by affidavit. Such common council shall give thirty days' notice by publication in one or more newspapers of the city, of the intended petition, stated in such notice the territory to be annexed.

Proceedings of commissioners upon such petition.

SEC. 85. The board of county commissioners upon the reception of such petition, shall consider the same, and shall hear the testimony offered for or against such annexation; and if, after inspection of the map and of all the proceedings had in the case, such board is of the opinion that the prayer of the petition should be granted, it shall cause an entry to be made in the order book, specifying the territory annexed, with the boundaries of the same according to the survey, and they shall cause an attested copy of entry to be filed with the clerk of the circuit court of such county, which shall be conclusive evidence of such annexation, in all courts of this State, and the common council shall cause a plat of the annexed territory to be recorded. The common council shall have the same power to vacate any lot, street, alley, common, public square or part thereof, in any city which the board of county commissioners now have in reference to towns, and all the proceedings necessary to effect any such vacation, shall conform, as nearly as the same are applicable, to those now prescribed for such vacation in reference to towns: *Provided*, That twenty days' notice of the pendency of any such petition shall be sufficient.

Officers of cities complying with this act, to continue in office &c. Members of common council may be expelled.

SEC. 86. Officers of any city, coming under this act, shall remain and continue in their respective offices, subject to the provisions of this act, and perform the duties herein required, until the expiration of the term

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for which they were elected, and until their successors were chosen and qualified, under the oaths of office already taken, and under the official bonds already filed: *Provided*, That this section shall not extend to any office or officer not recognized by this act. All by-laws, ordinances and regulations not inconsistent with this act, shall remain and be continued in full force until altered or repealed by the common council of such city.

SEC. 87. Any member of the common council may be expelled or removed from office by a two-thirds vote of the whole number elected, but not a second time for the same offense. Any officer of such municipal corporation, whether elected or appointed, may be removed by a like vote. The common council shall make provision in their by-laws or ordinances, as to the mode in which charges shall be preferred, and a hearing of the same had.

Suits instituted by city.

SEC. 88. Whenever any suit shall be instituted by such city, it shall not be necessary to aver its corporate organization, or the publication of its by-laws or ordinances, unless the same is contradicted by affidavit.

Board of trustees may perform duties of councilmen.

SEC. 89. In those incorporated towns which have a common council instead of a board of trustees in their organization, the duties of this act required to be performed by the board of trustees, shall be performed by the common council: *Provided*, That this act shall be in force from and after its passage, in all the cities which have previous thereto been organized and acting under the several acts hereby repealed, without any further acceptance or proceedings on the part of any such city.

Emergency.

SEC. 90. Inasmuch as it is important that the cities now incorporated in this State, should be enabled, at the earliest possible period, to enjoy and avail themselves of the provisions of this act, it is hereby declared that an emergency exists, requiring the immediate taking effect of this act, and the same shall, therefore, be in force from and after its passage and publication in the Indiana State Sentinel and the Indiana State Journal.

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CHAPTER XXXIV.

AN ACT to amend the thirty-first section of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852. Also, to amend the forty-sixth and forty-eighth sections of said act.

[APPROVED MARCH 5, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section thirty-one of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, which reads in the words following, to-wit: Sec. 31 amended.

"Sec. 31. The assessor shall assess all property liable to taxation in such town, under such rules and regulations as the board may prescribe, and shall make return of his assessment roll to such board, on or before the second Tuesday of June of each year," be, and the same is hereby amended to read as follows, to-wit:

The assessor shall assess all property liable to taxation in such towns, under such rules and regulations as the board may prescribe, and shall make return of his assessment roll to such board, on or before the second Tuesday in June of each year; but this act shall not be construed to authorize the assessment or taxation of any live stock, farming utensils, products of the soil, or manufacturing establishments, or other personal property outside of the corporate limits of any town, for corporation purposes: *Provided*, That the lien for taxes for incorporation purposes shall attach on all property owned by each person, subject to taxation under this act and the act to which this is an amendment, on the first day of January of the year in which the enlistment is made. How amended.

SEC. 2. That section forty-six of the above entitled act, which reads as follows, to-wit: Sec. 46 amended.

"Sec. 46. Whenever two-thirds of all the resident owners, in number or in value, of real estate, bounding both sides of any street, not less than one square, shall petition to have such street graded, paved, or otherwise improved, or the side-walks thereof built or repaired, or when two-thirds of the owners of real estate, in number or in value, on one side of such street, shall desire a side-walk on that side, it shall be the duty of such board to levy and cause to be collected, by tax, upon the owners of real estate or lots on such street or parts of a street, according to the last assessed valuation of said real estate, such a sum of money as is necessary for the improvement of said street or side-walks, as in said petition requested," be, and the same is amended so as to read as follows, to-wit:

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How amended. Whenever two-thirds of all the resident owners, in number or in value, of real estate, bounding both sides of any street, not less than one square, shall petition to have such street or alleys connected therewith graded, paved, or otherwise improved, or the side-walks thereof built or repaired; or when two-thirds of the owners of real estate, in number or in value, on one side of such street, shall desire a side-walk on that side, it shall be the duty of such board to levy and cause to be collected by tax upon all the owners of all real estate, or lots on such street or part of a street, or such side of a street, according to the last appraised valuation of said real estate, exclusive of any improvement that may be made thereon, such sum of money as is necessary for the improvement of said street or side-walk, as in said petition requested. At the time of making such levy, said board shall fix the nature, extent, and specifications of the proposed improvement; and any person upon whose real estate any such tax is levied may satisfy the same, or any part thereof, by labor done and materials furnished for the proposed improvement, under the direction, and to the acceptance of said board. If any person against whose real estate a tax shall be levid, for the purpose of building or repairing a side-walk, shall have previously built a side-walk adjoining to the whole of the real estate so taxed to the acceptance of the board, or shall afterwards build or repair the same within the time prescribed by said board, and to their acceptance, it shall be a full discharge of such tax for the improvements of side-walks. All of said section forty-six inconsistent with this act is hereby repealed.

Sec. 48 amended. SEC. 3. *Be it further enacted*, That section forty-eight of said entitled act, which is as follows, viz:

"Sec. 48. When two-thirds of the owners of a tier of out-lots, adjoining an incorporated town, shall sign a petition asking that the corporate limits of said town be extended so as to include said out-lots, the board of trustees of said town shall cause said petition to be recorded, and make an order that said tier of out-lots shall thereafter be included and constitute a part of said corporation, and the inhabitants residing thereon, and owners thereof, shall be subject to, and entitled to all privileges of said corporation," be, and the same is amended, so as to read as follows, viz:

How amended When two-thirds of the owners of a tier of out-lots, adjoining an incorporated town, shall sign a petition asking that the corporate limits of said town be extended so as to include said out-lots, the board of trustees of said town shall cause said petition to be recorded, and make an order that said tier of out-lots shall thereafter be included in and constitute a part of said corporation. Whenever there shall be lots laid off and

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plotted adjoining to or within such town, and a record of the same is made in the recorder's office of the proper county, the board of trustees may, by a resolution, extend the boundary of such town, so as to include such lots, whether improved or not; and the lots thus annexed shall thereafter form a part of such town, and be within the jurisdiction of the same. A copy of such resolution, with plat or map of survey defining the metes and boundaries of such addition, shall be immediately filed and recorded in the office of the recorder aforesaid. Said tier of out-lots and said lots annexed, as last specified, shall be included in and constitute a part of said corporation, and the inhabitants residing thereon, and owners thereof, shall be subject to all the laws and regulations, and entitled to all the privileges of said corporation.

SEC. 4. And whereas, in many towns of this State, assessments of the above mentioned property, for corporation purposes, have been made, and are still being made, therefore, an emergency is hereby declared to exist for the immediate taking effect of this act, and the same is hereby declared to be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal. Emergency.

CHAPTER XXXV.

AN ACT for the incorporation and continuance of Building Loan Fund and Savings Associations.

[APPROVED MARCH 5, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any number of persons, not less than fifty, may associate themselves together for the purpose of organizing building loan fund and savings associations; and for that purpose, they shall make, sign and acknowledge, before some officer capable of taking acknowledgments of deeds, an article of association in writing, which shall state the corporate name adopted by the company, the object of its formation, the amount of capital stock, the term of its existence, not, however, to exceed eight years, the number of the directors and their names, who shall manage the

Not less than fifty to associate themselves together; shall sign articles of association, which shall state the corporate name; term of existence not to exceed 8 years; number of directors, and names; locality; articles of association to be recorded in the county recorder's office, and a duplicate filed with Secretary of State.

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affairs of the company for the first year, or until the first annual meeting of the company, and the name of the town or county in which its operations are to be carried on; and cause the said article to be recorded in the office of the recorder of the county, and a duplicate thereof to be filed in the office of the Secretary of State.

May sue and be sued, in corporate name; may take, hold and convey real or personal estate, not exceeding one hundred thousand dollars.

SEC. 2. When the articles of association shall have been filed and recorded as aforesaid, the person who shall have filed and acknowledged the same, and their successors, shall be a body politic and corporate, and in their corporate name, may contract, sue and be sued, and may take, hold and convey such real and personal estate, not to exceed one hundred thousand dollars, as may be necessary to carry on the operations of the corporation, and to secure and collect loans made by, and debts due to the corporation.

Board of directors to be elected by the stockholders; directors shall elect pres't, secretary and treasurer, who shall give bond; absent stockholders may vote by proxy; officers to serve until their successors are elected and qualified.

SEC. 3. The business of the company shall be managed by the board of directors, who shall be stockholders, and a majority of directors shall be constituted a quorum. The directors shall be elected by the stockholders at their annual meeting, and the directors shall elect their president, a secretary and treasurer for the association, both of whom shall give bond and security as the by-laws shall require. Absent stockholders may vote by proxy, and each stockholder shall be entitled to one vote for each share of stock, unless it shall be otherwise regulated by the by-laws. All the officers shall serve until their successors are chosen and qualified.

Stock to be divided in shares not to exceed $500 each; capital stock to be increased or diminished; stock to be deemed personal property; stockholders shall be liable for debts due laborers and servants for service, and to other creditors, to the amount of dividend; no stockholder to hold more than ten shares.

SEC. 4. The stock shall be divided into shares of convenient amount, which shall be determined in the articles of association, but shall not exceed in value $500 each; and the amount of capital stock may be increased or diminished at any annual meeting of the stockholders, not to exceed one hundred thousand dollars. The stock shall be deemed personal property, and may be transferred in such manner as the by-laws may prescribe. The company shall not use its funds in the purchase of stocks of any other corporation. The stockholders shall be liable jointly, for the full amount of all debts due and owing to laborers and servants, for services rendered, and to all other creditors, to the amount of dividends that may have been divided among the stockholders, and funds withdrawn from the capital which shall be collected of the stockholders after the means of the company shall have been exhausted. No stockholder shall hold more than ten shares of stock in any one association.

Time of holding annual meetings: president may

SEC. 5. The first annual meeting of the stockholders shall be held at such time as shall be prescribed in the

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articles of association, and each year thereafter, or at such other time as the stockholders at an annual meeting may appoint; and other meetings of the stockholders shall be held at such times as may be designated in the by-laws, and at such times as the stockholders meeting may adjourn to; and the president may also call meetings of the stockholders, by giving such notice as the by-laws may prescribe. If from any cause, the annual meeting shall not be held on the day appointed, or if the entire business of any annual meeting shall not be done on that day, the stockholders may, at any subsequent meeting, elect their directors, and transact any other business appropriate to the annual meeeting. call meetings.

SEC. 6. The board of directors shall report, under oath to the stockholders, the condition of the affairs of the company at each annual meeting, and at all other times when directed by the stockholders. The proceedings of the company against the stockholders, and such members as may have relinquished their stock for a stipulated price, to enforce the collection of fees, dues, fines and assessments, and for the collection of loans, shall be provided for by the by-laws of the company, and the time when legal proceedings may be resorted to; and the company may impose such fees, assessments and fines, at any meeting of the stockholders, as may be deemed proper, and may also modify and change the same at pleasure, subject, however, to any rules that may be adopted for the amendment or change of the by-laws. Directors shall report the condition of affairs annually; proceedings for collection of fines, stock due, &c., to be provided for by by-laws of company; time when legal proceedings may be resorted to.

SEC. 7. The stockholders at any of their meetings, may adopt a code of by-laws, and at any subsequent meeting, may amend, modify or repeal the same or any part thereof, but the stockholders may, at any annual meeting, provide that no amendment, modification or repeal of the by-laws, or any part thereof shall be made, except upon such notice as the annual meeting of stockholders may prescribe. The by-laws shall prescribe for the compensation and duties of the officers, and may provide for such additional officers as the business of the company may require, who shall be members of said company; they shall also provide for the issuing certificates of stock whenever the company deem it proper. Stockholders may adopt a code of by-laws at any meeting, to modify or repeal; may prescribe duties and compensation of officers; to provide for issuing of stock.

SEC. 8. The company shall keep a full record of all the proceedings of the meetings of stockholders, and of all the proceedings of the board of directors, and a stock book shall also be provided, which shall show the names of stockholders, and the amount held by each, and the transfers of stocks; said book shall be kept by Secretary shall keep a full record of proceedings of meetings of stockholders and board of directors in a book; shall do the corresponding of the company.

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the secretary of the company, and he shall be *ex-officio* secretary of the board of directors; he shall also be the corresponding secretary, unless it be otherwise provided in the by-laws. Such book shall be open for the inspection of the directors of the company.

May provide for redemption of stock; shall give security for the payment to the company; contracts of association with members hereby declared valid; members can take loans; shall loan no funds except such as arise from fees, dues, &c.; shall not loan to any person but members of company; busines shall be closed as soon as the funds will pay the debts and redeem stock at par.

SEC. 9. The company, in their by-laws, may provide for the redemption of the shares of stock by the application of its funds, arising out of the dues, fines and assessments of the members, at any price that the company and the member relinquishing his stock may agree upon. The company may also provide, that the members who may relinquish to the company their stock, or any part thereof, for a stipulated price, shall give bond and security for the payment to the company on such stock, until such association shall terminate, of all future dues, fines and assessments, and all redemption of stock by any association heretofore made, and all contracts of any such association with any member thereof, heretofore made for the redemption and relinquishment of stock at any price whatever, and for the payment of any dues, fees and assessments, are hereby declared to be valid and binding in law. Each member of the company shall have an equal opportunity to take such loan, and the member who shall take the same upon the terms most favorable to the company, shall have the preference. The company shall loan no funds except such as arise out of the fees, dues, fines and assessments of its members, and the company shall not loan to any person not being a member. The business of the company shall be closed as soon as the funds thereof will pay all debts and redeem the outstanding stock at par. And it is hereby provided, that no powers shall be exercised by any such association, to issue any paper in the similitude of bank notes, to be circulated as money, nor exercise any banking powers whatever.

Building or saving association to have the benefit of the law, and articles to be acknowledged by the president of board of directors; shall confine their proceedings to provisions of this law.

SEC. 10. Any building loan fund and savings association, organized, shall have the benefit of this law, but they shall cause their articles of association to be acknowledged by the president of the board of directors, and recorded in the recorder's office of the county; and a duplicate thereof, filed in the office of the Secretary of State, if the same has not already been so recorded and filed with the Secretary of State, and they shall confine their proceedings to, and adopt the provisions of this law by a vote of a meeting of stockholders, to be entered on the records of their proceedings; and all previous acts of such associations having

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adopted this law, which are in conformity to this law, are hereby declared to be valid in law.

SEC. 11. Nothing in this act shall prohibit the legislature from altering, changing, or repealing, from time to time, as may be deemed advisable. This act not to prevent further action on this law.

SEC. 12. Any stockholder or stockholders, formed or to be formed in accordance with this act, owning one or more shares of stock in any such association, shall have the right to withdraw the amount of dues paid on such share or shares, by giving three months' notice, in writing, to the secretary of such association, and shall be allowed, and receive interest on the amount so paid, at the rate of six per cent. per annum. Any member shall have the privilege of withdrawing subscription by giving three months notice to secretary.

CHAPTER XXXVI.

AN ACT to amend the first section of an act, entitled "An act to incorporate the Cannelton Paper Mill," approved February 15th, 1848, so as to give power to manufacture other articles.

[APPROVED FEBRUARY 20, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section first of an act, entitled "An act to incorporate the Cannelton Paper Mill," approved February 15th, 1848, which is in the following words, to-wit: Sec. 1 amended

"SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John P. Martin, Henry A. Griswold, Geo. W. Weisinger, and Thompson Hanna, their associates, successors, and assigns, be, and they are made a corporation, by the name of the Cannelton Paper Mill, for the purpose of manufacturing paper at the town of Cannelton, Indiana, and for that purpose shall have all the power and privileges, and be subject to all the duties and requisitions contained in the 'general provisions respecting corporations,' in the statute of 1843, chapter 32, article 2," be, and the same is hereby amended, so as to read as follows, to-wit:

That John P. Martin, Henry A. Griswold, George W. Weisinger, and Thompson Hanna, their associates, successors, and assigns, be and they are hereby made a corporation, by the name of the Cannelton Paper Mill, for the purpose of manufacturing paper and other articles, goods or merchandise, at the town of Cannelton, Indiana, and for that purpose shall have all the power and privileges, and be subject to all the duties How amended.

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and requisitions contained in the "general provisions respecting corporations," in the statute of 1843, chapter 32, article 2.

CHAPTER XXXVII.

AN ACT to amend the first section of an act, entitled "An act providing for the incorporation of bridge companies, approved March 9, 1852," so as to authorize bridge companies to construct embankments across low bottoms, and receive toll, and obtain the right of way.

[APPROVED MARCH 7, 1857.]

Sec. 1 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an act, entitled "An act providing for the incorporation of bridge companies," approved March 9th, 1852, which is in the following words:

"Section. 1. *Be it enacted by the General Assembly of the State of Indiana*, That any number of persons may form themselves into a corporation for the purpose of constructing and owning a bridge across any river, creek, or other water course, by complying with the following requirements: They shall unite in articles of association, setting forth the name they assume, the water course, and place where the said bridge is to be built or constructed, the amount of capital stock, and the number of shares into which it is to be divided; the names and places of residence of the subscribers, and the amount of stock taken by each, shall be subscribed to said articles of association. Whenever the stock subscribed shall amount to a sum sufficient to complete the bridge, according to the estimate of a practical engineer, copies of the articles of association shall be filed in the office of the recorder of the county in which the bridge may be situated: *Provided, however*, That no company thus organized shall be authorized to erect any such bridge until the consent of the board of commissioners of the proper county shall have been obtained to the erection of the bridge at the place proposed; and if the stream over which any bridge is proposed to be constructed is the dividing line of two counties, then the consent of the board of commissioners of each county interested, shall first be obtained," be, and the same is hereby ammended, by adding thereto the following words, to-wit:

How amended.

Provided further, That any corporation heretofore organized for the purpose of constructing and owning a bridge across any river, creek, or other water course, that may have been constructed, and own a bridge across any river, creek, or other water course, and that may have, in connection with said bridge, constructed a firm and substantial embankment across the low bottoms, of any river, creek, or other water course; and, also, that any corporation that may hereafter organize for the purpose of constructing and owning a bridge

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across any river, creek, or other water course, may, in connection with such bridge, construct a firm and substantial embankment across the low bottoms of any river, creek, or other water course; and any such corporation may maintain and keep in order and repair such bridge and embankment, and for the additional expenses and costs of constructing any embankment as aforesaid, may demand and receive a rate of toll increased in proportion to one half of the additional costs and expense of constructing any such embankment.

Persons refusing to relinquish, how proceedings had to adjust the difficulty.

SEC. 2. In all cases where any person on whose land any such corporation may desire to construct an embankment, as contemplated in this act, shall refuse to relinquish the same, or where a contract between the parties cannot be made for the land, it shall be lawful for such corporation to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land to appear before him, on a particular day, within ten days thereafter. In case of infants and insane persons, if there be a guardian, resident of the county where the land is situated, he shall have at least ten day's notice of the time and place of trial; and when there is no guardian, notice shall be posted up in three of the most public places in the township where the land is situated, at least three weeks prior to the day of trial; and in case of non-residents, the same notice shall be given as is required in the case of infants having no guardian, and shall also cause to be summoned three disinterested persons, and cause them to come before him, who, after being legally sworn as jurors, faithfully and impartially to assess the damages, if any, shall proceed to hear the testimony and view the land, and after having taken into consideration the disadvantages the construction of such embankments may be to the same, report thereon, in writing, whether such person is entitled to damages or not, and if so, how much; which report shall be filed with such justice, who shall enter judgment thereon, unless for good cause shown; and in case either party show good cause why judgment should not be entered, the justice may grant a review of the same, either with or without costs: *Provided*, That either party may, at their option, appeal the same to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report to that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final between the parties.

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If owner be infant, insane, or idiot, guardian *ad litem* to be appointed.

SEC. 3. In all cases where the owner is a minor or insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be stuck up, of the time and place of appointing viewers, and if no persons appear, he may adjourn the trial for two weeks, at the end of which time he shall appoint a guardian *ad litem*, or committee, to act for such minor or insane person, as the case may require, in the suit aforesaid; but such appointment need not be made, if the guardian at law or the committee of the estate appear to defend, and he shall proceed, as in other cases, and on judgment rendered, and the corporation complying therewith by the payment of costs and damages against it, the corporation shall be seized of the lands; costs shall be awarded or allowed against either party at the discretion of the jury.

CHAPTER XXXVIII.

AN ACT to enable persons whose wives are insane, to convey real estate.

[APPROVED MARCH 2, 1857.]

If wife insane, husband may execute deed without her assent.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever hereafter any person owning real estate, and being desirous of selling the same, or any part thereof, and whose wife, at the time of said sale, is insane and of unsound mind, is hereby authorized and empowered to sell and convey the same by warrantee deed of conveyance, or otherwise, without the assent of his wife: *Provided*, That before any such conveyance be made, the party intending to make the same, shall make satisfactory proof before the court of common pleas, or circuit court of the proper county, of said insanity, and that such insanity is probably permanent: *And provided, also*, That any person so applying to sell, shall file a bond payable to the State of Indiana, with sufficient surety, to be approved by said court, and in such a penalty as the court shall deem reasonable, conditioned to keep her from becoming a county charge, and to account to the wife on her recovery, if she desire it, one-third of the purchase money.

Proviso.

Proviso.

Such conveyance have same effect as if wife was of

SEC. 2. That all such conveyances, when so made, shall have the same force and effect in law and equity.

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that the same would have, if the wife was, at the time of making the same, of sound mind, and had joined in such conveyance. sound mind.

CHAPTER XXXIX.

AN ACT to repeal the repealing clause of section fifty-seven, in an act, entitled "An act for the incorporation of Insurance Companies, defining their powers and prescribing their duties," approved June 17, 1852, and to renew the act incorporating the Madison and Marine Insurance Company.

[APPROVED MARCH 7, 1857.]

WHEREAS, It is represented to this General Assemby, that the corporators named in the act to incorporate the Madison Marine Insurance Company, approved January 11, 1849, had taken the incipient steps to organize said company before the enactment of a repealing clause contained in the 57th section of "An act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved December 17, 1852, and that the sudden death of William Hendricks, one of the incorporators, prevented a record of their proceedings, and that said corporators have, since the 17th day of December, 1852, organized, elected their officers, and are proceeding to business: NOW, THEREFORE, To remedy the evils that may accrue to said company by said repealing clause; Preamble. To prevent any evils that may accrue to the Madison Ins. Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said repealing clause, so far as it might affect the said act of incorporation, be, and the same is hereby repealed, and said act be, and the same is hereby declared to be in full force. Repealing clause hereby repealed.

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CHAPTER XL.

AN ACT to amend the tenth section of an act, entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and supplemental thereto.

[APPROVED FEBRUARY 19, 1857.]

Sec. 10 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section ten of "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852, which reads as follows:

"Such inspectors, when they shall have returned the statement as aforesaid, shall next proceed to divide said town into not less than five nor more than seven districts, having due regard to the equitable apportionment of a population among the same, and the convenience and contiguity of such district," be, and the same is hereby amended to read as follows:

How amended.

Such inspectors, when they shall have returned the statement as aforesaid, shall next proceed to divide said town into not less than three, or more than seven districts, having due regard to the equitable apportionment of a population among the same, and the convenience and contiguity of such district.

May re-district ten days before annual election.

SEC. 2. That any town heretofore incorporated under the act approved as aforesaid, may, at any time ten days before the annual election, re-district the town according to the aforesaid section, for the purpose of electing officers for said town.

Emergency.

SEC. 3 It is hereby declared that an emergency exists, which requires this act to take effect and be in force from and after its passage; therefore, this act shall be in force from and after its passage.

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CHAPTER XLI.

AN ACT to amend an act, entitled "An act to incorporate the Clay Cotton Mills," approved February 15, 1848.

[APPROVED MARCH 7, 1857.]

[SECTION 1.] *Be it enacted by the General Assembly of the State of Indiana*, That the act, entitled "An act to incorporate the Clay Cotton Mills," approved February 15, 1848, which is in the words following, to-wit:

"*Be it enacted by the General Assembly of the State of Indiana*, That John I. Jacobs, Joshua B. Bowles, Alfred Thurston, Chapman Coleman, William Richardson, E. W. Ginness, William Garvin, Abel C. Pepper, and Pinckney James, and their associates and assignees, be, and they are hereby made, a corporation by the name of the Clay Cotton Mills, for the purpose of manufacturing cotton and woolen goods, in the county of Perry, Indiana, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions of the act of the General Assembly of 1843, chapter 32, article 2, relating to corporations. The capital stock of said corporation shall not exceed five hundred thousand dollars, and the corporation may be seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding fifty thousand dollars in value, exclusive of buildings, made thereon by the corporation. This act shall take effect and be in force, as a public act, for the term of fifty years from and after its passage, unless said corporation shall be sooner voluntarily dissolved by the stockholders, in which case due public notice thereof shall be given," be, and the same is hereby amended, that it shall read as follows, to-wit:

How amended

Be it enacted by the General Assembly of the State of Indiana, That John I. Jacobs, Joshua B. Bowles, Alfred Thurston, Chapman Coleman, William Richardson, E. W. Ginness, William Garvin, Abel C. Pepper, and Pinckney James, and their associates and assignees, be, and they are hereby made a corporation by the name of the Clay Cotton Mills, for the purpose of manufacturing cotton and woolen goods, in the county of Perry and State of Indiana, and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requisitions of the act of the General Assembly of the year 1843, chapter 32, article 2, relating to corporations. The capital stock of said corporation shall not exceed five hundred thousand dollars, and the corporation may be seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding one hundred thousand dollars in value, exclusive of buildings and improvements made thereon by the corporation. This act shall

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To be in force fifty years from the original act.

take effect and be in force as a public act for the term of fifty years from and after the passage of said original act, unless said corporation shall be sooner voluntarily dissolved by the stockholders, in which case due public notice thereof shall be given.

CHAPTER XLII.

AN ACT relative to the printing, binding, and distribution of the Session Acts, House, Senate, and Documentary Journals; declaring who shall be entitled to a copy of the same; authorizing the Secretary of State to dispose of copies of acts, by sale, when called for; and allowing such Secretary a compensation for superintending such printing, binding, and distribution.

[APPROVED MARCH 7, 1857.]

Duty of Secretary of State to cause laws, journals, to be printed and distributed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Secretary of State, of the State of Indiana, to cause to be printed ten thousand copies of the acts of each session of the Legislature, and sixteen hundred copies each, of the House, Senate, and Documentary Journals, which acts and journals he shall cause to be bound in the usual style of binding, in paste board. Said acts shall be disposed of as follows, to-wit: To the Governor, Lieutenant Governor, Secretary, Auditor, and Treasurer of State, each, one copy; to the United States judges, district attorney for the State of Indiana, and clerk of the United States district and circuit court, for the State of Indiana, each, one copy; to the judges and clerk of the supreme court, each, one copy; to the reporter of the decisions of the supreme court, and State superintendent of public instruction, each, one copy; to the benevolent institutions of the State one copy; to the warden of the State prison one copy, for the use of said prison; to the several States and Territories of the United States, such number of copies, not exceeding three, as may be received from each of them respectively; to the members of the Senate and House of Representatives, and to the secretary and assistant secretary of the Senate, and principal clerk and assistant of the House of Representatives, each, one copy. Said House, Senate, and Documentary journals, shall be disposed of as follows, to-wit: To the Governer, Lieutenant Governor, Auditor, Secretary, and Treasurer of State, each one copy of each journal; to each member of the Sen-

Who are entitled to copies, county and township libraries entitle to one copy each.

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ate and House of Representatives, and to the secretary and assistant secretary of the Senate, and principal and assistant clerk of the House of Representatives, each one copy of each journal; to each organized county within the State, two copies of each journal, one of which copies of each, shall be deposited in office of the clerk of each of said counties, open to the inspection of any persons, and the other copy of each, in the county library; and in case there be no such county library, then in the office of the clerk of such county, for the benefit of such library when organized, and to each township library, one copy of each journal.

Secretary of State to certify when laws and compared acts with the enrolled, printers to copy from engrossed bills.

SEC. 2. It shall be the duty of the Secretary of State, so soon as the printing of the acts shall be done, to certify the fact that he has compared the printed with the enrolled acts and joint resolutions, and found them correctly printed, which certificate, shall be signed and dated by said Secretary, and annexed in print to the volume of acts and joint resolutions; the said Secretary is hereby authorized to use the engrossed bills, which he is to return to the State library, when the printing is completed.

SEC. 3. The distribution of said acts to each county within the State, shall be as follows, to-wit: The following counties shall each be entitled to one hundred and thirty copies, to-wit: Allen and Wayne; the following counties shall each be entitled to one hundred and fifteen copies, to-wit: Elkhart, Henry and Laporte; the following counties shall each be entitled to one hundred and five copies, to-wit: Franklin, Grant, Madison, Morgan, Putnam and Washington; the following counties shall each be entitled to one hundred copies, to-wit: Bartholomew, Cass, Clark, Dearborn and Green; the following counties shall each be entitled to ninety-five copies, to-wit: Carroll, Harrison, Kosciusko, Miami, Porter, Shelby and St. Joseph; the following counties shall each be entitled to ninety copies to-wit: Abams, Boone, Clinton, DeKalb, Delaware, Fountain, Hendricks, Huntington, Jasper, Jay, Jefferson, Monroe, Noble, Owen, Parke, Rush, Steuben, Tippecanoe and Vigo; the following counties shall each be entitled to eighty copies, to-wit: Clay, Daviess, Decatur, Fayette, Hamilton, Hancock, Howard, Jackson, Johnson, Knox, Lagrange, Lake, Marion, Marshall, Montgomery, Orange, Posey, Pulaski, Randolph, Ripley, Spencer, Vanderburgh, Warren, Warrick, Wells and Whitley; the following counties shall each be entitled to seventy-five copies, to-wit: Fulton, Gibson, Jennings, Martin, Sullivan and White; the following

Counties entitled to 130 copies acts.

Counties entitled to 115.

Counties entitled to 105.

Counties entitled to 100.

Counties entitled to 95.

Counties entitled to 90.

Counties entitled to 80.

Counties entitled to 75.

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counties shall each be entitled to seventy copies, to-wit: Crawford, Lawrence, Pike, Perry, and Switzerland; the following counties shall each be entitled to sixty copies, to-wit: Dubois, Floyd, Starke, Tipton, Union, Vermillion and Wabash; the following counties shall each be entitled to fifty copies, to-wit: Benton, Blackford, Brown, Ohio and Scott; to be distributed by the clerks of the several counties as follows, to-wit: To the judges of the circuit and common pleas courts, each, one copy; the prosecuting attorney of the circuit and common pleas courts, each, one copy; to each township library one copy; to each board of township trustees, one copy; to each justice of the peace, one copy, and to each county officer one copy, and the residue of such copies to remain in the office of the clerk of the several counties, to supply cases of necessity. After the Secretary shall have made the distribution required by this act, he shall cause the copies remaining on hand, to be deposited in the State Library, of which, as many copies as can be spared conveniently, may be sold at a reasonable price by said Secretary when called for, and the amount for which they may be sold, placed in the State treasury.

Counties entitled to 70.

Counties entitled to 60.

Counties entitled to 50.

Sec. of State to cause remaining copies to be deposited in State Library, and to be sold by him.

Sec. of State contract for the distribution and delivery of acts, &c; when delivered, Sec. to certify the fact, Auditor to audit account of contractor; Treas. of State authorized to pay such contractor, &c.

SEC. 4. The Secretary of State is hereby required, biennially hereafter, to contract with some responsible and competent person or persons, to convey and deliver the volumes of acts and journals designated herein, to the several persons, counties and places pointed out in this act, taking bond with good freehold surety, from such person or persons, for the faithful and diligent performance of the contract; and so soon as such person or persons shall produce to such Secretary the receipts of the several clerks authorized to receive the acts and journals aforesaid, setting forth that the proper number of volumes have been delivered in good order, said Secretary shall then certify that such undertaker has performed his contract, and the amount that is due to such undertaker for the same; which certificate of such Secretary shall be a sufficient voucher for the Auditor of State to give such undertaker an audited warrant therefor; and the Treasurer of State is hereby authorized to pay such warrant out of any money in the treasury not otherwise appropriated.

If contractor fails to deliver according to contract, Sec. of State shall commence suit upon his contract and pay amount collected into State treasury.

SEC. 5. In all cases when any person or persons, employed to distribute the acts and journals of this State, shall fail or neglect to perform his or their duties agreeably to his or their contract, it shall be the duty of the Secretary of State to cause suit forthwith to be commenced on such contractor's bond, and have the

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same prosecuted to final judgment; and it is hereby made the duty of the prosecuting attorney of the circuit or common pleas court of the circuit or district where such suit shall be commenced, to attend and prosecute the same, for and on behalf of the State, and collect and pay over the amount recovered into the State treasury.

In counties where there are surplus, clerk to furnish officers not already having them, on application.

SEC. 6. In all counties where there may be surplus copies of the acts, either of this, or any preceding year, it shall be the duty of the clerk of each of such counties having surplus copies, to furnish a copy thereof to each officer entitled to the acts, who has not previously had a copy of the same, on such officer applying therefor.

Compensation of Sec. of state for superintending printing and distribution.

SEC. 7. In view of the arduous labor to be performed in the superintending the printing and distribution of the acts and journals, and making the contract for, and superintending the boxing of said acts, &c., for distribution by the Secretary of State, he is hereby allowed such reasonable compensation as may be agreed upon by the Governor, Auditor and Treasurer of State, or a majority of them, not to exceed the sum of two hundred and fifty dollars, to be paid out of any money in the treasury not otherwise appropriated.

Emergency

SEC. 8. It is hereby declared that an emergency exists for the immediate taking effect of this act; therefore, it shall be in force from and after its passage.

CHAPTER XLIII.

AN ACT to amend the first section of an act, entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain," approved June 15th, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers.

[APPROVED MARCH 7, 1857.]

Sec. 1 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of the above recited act, which reads as follows, to-wit:

"For license to keep a ferry, there shall be paid to the proper county treasurer, not less than three nor more than fifty dollars; to traveling merchants and pedlers, who are not residents of this State, to vend foreign merchandise, five dollars, where the capital employed does not exceed one thousand dollars; seven dollars and fifty cents, for any amount over one thousand and not exceeding two thousand

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dollars; ten dollars for any amount over two thousand and not exceeding five thousand dollars; and twenty dollars for any amount exceeding five thousand dollars; to be paid in each county where they shall offer for sale any such merchandise, except tea and coffee. To exhibit, for pay, any caravan, menagerie, circus, rope and wire dancing, legerdemain, or puppet show, not less than five nor more than twenty-five dollars, for each day's performance. To carry on the business of stock and exchange broker, in buying or selling stock, bank notes, gold, silver, promissory notes, and bills of exchange, whether by individuals or corporations, one hundred dollars for on eyear," be, and the same is hereby amended to read as follows, to-wit:

How amended. Ferry; For license to keep a ferry, there shall be paid to the proper county treasurer, not less than three nor more

Traveling merchants; than fifty dollars. To traveling merchants and pedlers, who are not residents of this State, to vend foreign merchandise, five dollars, where the capital employed does not exceed one thousand dollars, (seven dollars and fifty cents for any amount over one thousand) and not exceeding two thousand dollars; ten dollars for any amount over two thousand and not exceeding five thousand dollars, and twenty dollars for any amount exceeding five thousand dollars; to be paid in each county where they shall offer for sale any such mer-

Caravan, circus, &c.; chandise, except tea and coffee. To exhibit, for pay, any caravan, circus, rope or wire dancing, legerdemain,

Theatrical performance; ventriloquism, puppet show, concert, theatrical performance, or any other exhibition, of whatever name or description, whether by traveling or stationary troupe or troupes, individually or collectively, not less than five nor more than twenty-five dollars, for each separate

Stock and exchange brokers. performance. To carry on the business of stock and exchange broker, in buying or selling stock, bank notes, gold, silver, promissory notes, and bills of exchange, whether by individuals or corporations, one hundred

Proviso. dollars for one year: *Provided*, All actions and right of actions now pending under provisions of the act to which this is an amendment, may be prosecuted under the provisions of the law in force at the time this act took effect.

Money collected, how appropriated. SEC. 2. The money arising from the exhibitions mentioned in the foregoing section, shall be paid over by the county treasurers of their respective counties to the agricultural society of the county where collected:

Proviso. *Provided*, That in counties where there are no agricultural societies organized, the treasurer thereof shall pay the same thus collected into the county treasury.

Emergency. SEC. 3. Whereas, inasmuch as exhibitions are being given daily throughout the State, by traveling and stationary troupes, who evade the payment of license under various pretexts, and to the injury of

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agriculture, it is declared that an emergency exists for the immediate taking effect of this act; therefore, this act shall take effect and be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER XLIV.

AN ACT to amend an act, entitled "An act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5th, 1852.

[APPROVED FEBRUARY 24, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section third of an act declaratory of the law regulating marriages, and enforcing the provisions by proper penalties, approved March 5th, 1852, and which reads as follows:

"Sec. 3. Marriages may be solemized by ministers of the gospel, and parties [priests] of every church throughout the State, judges of courts of record, and justices of the peace, within their jurisdiction, and by the society of friends, according to the rules of their society. *Provided*, That no marria e, legal in other respects, shall be void on account of the incapacity of the person solemnizing the same," be so amended as to read as follows:

How amended. Who may solemnize marriage.

SEC. 3. Marriages may be solemnized by ministers of the gospel and priests of every church throughout the State, judges of courts of record, and justices of the peace, within their respective counties, and by the society of friends, and German baptists, according to the rules of their societies; *Provided*, That no marriage, legal in other respects, shall be void on account of the incapacity of the person solemnizing the same.

No marriage, legal in other respects, to be void on account of incapacity of a person solemnizing.

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CHAPTER XLV.

AN ACT to vest certain rights in married women whose, husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State prison.

[APPROVED MARCH 4, 1857.]

On abandonment wife may petition to sell real or personal estate.

SECTION 1. [*Be it enacted by the General Assembly of the State of Indiana,*] When any married man shall absent himself from the State, abandon his wife and not making sufficient provisions for her maintenance, if the wife is of the age of twenty-one years, the circuit court or court of common pleas of the county in which she resides may, on her petition, authorize her to sell and convey her real estate, or any part thereof, and also any personal estate which shall at any time have come to her husband, by reason of the marriage, and which may remain within the State, undisposed of by him.

Court to authorize any person holding money of husband, to deliver the same to wife.

SEC. 2. Such court may also, upon the petition of such wife, authorize any person holding money, or other personal estate, to which the husband is entitled in her right, to pay and deliver the same to the wife, and may authorize her to give a discharge for the same, which discharge shall be as valid as if made by the husband,

Wife entiled to receive pay for her labor or childrens, free from liabilities of husbands debts,

and during such absence, the wife shall be entitled to receive payment for her labor, and that of her minor children, in the same manner as if she were sole, free from the control of her husband, and from all liability for the payment of his debts of any description.

Property coming into her hands may be disposed of during absence of husband

SEC. 3. All the proceeds of such sales, and all other money and personal estate, which shall come to the hands of the wife, by force of this act, may be used and disposed of by her during the absence of her husband, as her own property, in the same manner as if she were unmarried.

Court may authorize her to make contracts, prosecute and defend suits in same manner as thongh she were unmarried.

SEC. 4. The court may further authorize such married woman to make any contract under seal or otherwise, in her own name, and also to commence, prosecute, and defend any suit at law to a final judgment and execution in like manner, as if she were unmarried.

May make deeds or other instruments in her own name.

SEC. 5. Every women so authorized may make and execute any deed and other instrument, in her own name, and do all other lawful acts that may be necessary or proper to carry into effect the powers so granted to her.

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Power so granted to continue till return of her husband.

SEC. 6. The power so granted to a married woman, shall continue and be exercised until her husband husband shall return into the State and claim his marital rights.

All contracts made with women so empowered to be legal and binding after return of husband.

SEC. 7. All contracts lawfully made by any woman by virtue of such power, shall be binding on her and her husband in like manner, as if the marriage had taken place after the making of such contracts; and she shall, during the absence of her husband from the State, be liable to be sued thereon, as if she were unmarried.

She shall be liable to be sued during continuation of her power.

SEC. 8. She shall also be liable to be sued, in like manner, for all other acts and things, done by her, during the continuance of the powers so granted her.

Suit commenced shall not be abated on return of husband, husband may, with wife's consent, prosecute, defend jointly with wife.

SEC. 9. No suit wherein such woman shall be a party, under the provisions of this chapter, shall be abated by the return of her husband into the State, but he may, on his application, together with the consent, in writing, of the wife, filed in court, be admitted to prosecute or defend the suit, jointly with her, in like manner, as if they had intermarried after the commencement of the suit.

If husband is not admitted, suit shall proceed as though he had not returned, and judgment enforced against husband.

SEC. 10. If the husband shall not be admitted as a party to the suit, it shall proceed to judgment and execution, as if he had not returned to the State; and any judgment recovered against the wife, may be afterwards enforced against him, in like manner, as if it had been rendered against him before their intermarriage.

May bring in suit it circuit court or court of common pleas.

SEC. 11. Every such action of a married woman, for any of the purposes mentioned in the preceding sections of this bill, may be commenced and prosecuted in the circuit court or court of common pleas, as to notice and all other matters according to the laws of this State.

When confined in State prison.

SEC. 12. When any married man shall be sentenced to confinement in the State prison, his wife, on her petition to the circuit court or court of common pleas, of the county where she resides, be authorized to sell and convey her estate, and to do any or all other acts, which may, according to the provisions of this act, be done by a married woman, when authorized as before provided in the absence of her husband; and the authority so granted to the wife of a convict may continue and be exercised until the discharge of her husband from prison, and his return to his wife.

Proceedings to be as before provided

SEC. 13. The petition of the wife of such convict shall be presented, and the proceedings thereon shall be conducted in the manner before prescribed in the case of a man who has absented himself from the State,

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and she and her husband shall be bound respectively by all her lawful contracts in the same manner as before provided, with respect to the contracts of a woman who is authorized to act during the absence of her husband, and all suits relating to such contracts and other acts of the wife of such convict, whether brought by or against them, or either of them, shall be conducted and disposed of accordingly.

Where wife is under 21 years of age.

SEC. 14. In all cases provided for in the preceding sections of this act, where the wife shall be under the age of twenty-one years, she shall be allowed to prosecute all the rights conferred under this act, by her next friend, to be approved of by the court.

Repealing clause.

SEC. 15. All laws and parts of laws contravening the provisions of this act hereby repealed.

CHAPTER XLVI.

AN ACT to enable married women whose husbands have absented themselves, to exercise the rights of resident householders.

[APPROVED MARCH 7, 1857.]

In case of absence of husband, wife may exercise the privileges of exemption and execution.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any man shall absent himself from his home, it shall be lawful for his wife, in case an attachment or execution be directed against his property, to claim and exercise all the rights in relation thereto, which would belong to him if he were present.

CHAPTER XLVII.

AN ACT to provide for the relief and support of married women, when deserted by their husbands, and of childen, when deserted by their parents, by the sale of property.

[APPROVED MARCH 7, 1857.]

Wife when deserted by her husband, or children deserted by parents, husband or parents owning

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever it shall be made to appear to the court, or judge having jurisdiction of such matter, by complaint, supported by satis-

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factory evidence, of a wife in case of abandonment by her husband, and of the overseers of the poor of the township where such children may reside, in case of abandonment by their parents, or either of them, that such husband or parents has or have abandoned his or their wife, or wife and children, or children, and fails to provide for their support, and that he or they own property, real or personal, in this State, such judge, if applied to in vacation, or the court, if applied to during term time, shall make an interlocutory order, if it be personal property, for the sale, by the party applying, of the whole or enough thereof, to support such wife, or wife and children, or children; and if it be real estate, that the rents and profits thereof shall be received and applied as above directed, in case of the sale of personal property, until the matter be finally determined.

personal property may procure interlocutory order to sell, or real estate, to receive rents and profits to support wife or children.

SEC. 2. At the next term of the court after such complaint shall have been filed, notice as in other cases, of the pendency of said complaint having been given, the court shall hear and determine the matters in said complaint alleged, and make such order therein as shall be just and equitable, and most for the interest of the parties thereto, either by directing the sale, if it be personal property, of the whole or a part thereof, or if it be real estate, by directing the sale of the whole or a part thereof, or for renting the same from year to year. The proceeds of such sale, if the property be sold, or if rented, the rents and profits to be received and applied as above directed, in case of an interlocutory order. In case of the sale of real estate, as above provided, it shall be the duty of the court ordering such sale, to authorize the person or persons making such sale, to execute and deliverto the purchaser, a good and sufficient deed in fee simple, conveying to such purchaser all the interest of the party or parties against whom such proceedings may be had, in and to said real estate.

After giving notice and filing of complaint, court shall hear, &c., and shall make order to sell personal or real estate; proceeds of sale or rent applied as directed in interlocutory order; court to authorize a deed in fee simple to be made to purchaser of real estate.

SEC. 3. The circuit and common pleas courts, and the judges thereof, in the counties where the complainants reside, or where the property may be situate, shall have original concurrent jurisdiction in all cases arising under the foregoing sections of this statute.

Circuit court and court com. pleas to have concurrent jurisdiction.

SEC. 4. Inasmuch as there is now no law in force granting the relief desired, it is deemed that an emergency exists for the immediate taking effect of this act, and it shall therefore be in force from and after its passage.

Emergency.

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CHAPTER XLVIII.

AN ACT to prevent market houses from being built upon the streets of towns and cities, without the consent of two-thirds of the owners of lots on such streets, and to authorize the removal of the same.

[APPROVED MARCH 7, 1857.]

Unlawful to erect market houses upon street without the consent of two-thirds of the owners of property on such street, opposite where market house is to be built

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for the common council of any city in the State of Indiana, to erect upon any street of any city in said State any market house, without first having obtained in writing the consent of two-thirds of all the owners of lots, or parts of lots, on such street, opposite to the place thereon where such market house is proposed to be constructed.

Unlawful to maintain market houses without consent of two-thirds, &c.

SEC. 2. That it shall be unlawful for such common council to maintain any market house, which now is or may be erected upon any street of any city in this State, without the written consent of two-thirds of all owners of the lots, or parts of lots, opposite the place where the same is erected.

Market houses now standing, without consent of two-thirds of adjoining property owners, declared nuisance; duty of common council to abate; property holders may abate it, and recover expenses of council.

SEC. 3. Every market house so erected or maintained, without such consent of two-thirds of all the owners of the lots, or parts of lots, opposite to such market house, is hereby declared a nuisance; and it shall be the duty of the common council of the city where such market house is so erected, to abate and remove the same; and if such common council shall fail to remove it, it shall be lawful for any owner of a lot or part of lot, opposite to such market house, to abate and remove the same, and may, by proper action, recover of and from such common council, the amount of money expended by him in and about the abatement and removal of the same.

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CHAPTER XLIX.

AN ACT repealing the fourth section of an act, entitled "An act to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers, in making deposits, and in their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly," approved June 17, 1852.

[APPROVED MARCH 7, 1857.]

Repealing the 4th section of act in relation to mileage of sheriffs, county treasurers, &c.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fourth section of an act, entitled "An act to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers, in making deposits, and in their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly," approved June 17, 1852, be and the same is hereby repealed.

Emergency.

SEC. 2. Inasmuch as there is a conflict between the provisions of the section hereby repealed, and the law regulating mileage of members of the General Assembly, an emergency exists, requiring the immediate taking effect of this act; therefore, this act shall be in force from and after its passage.

CHAPTER L.

AN ACT to amend an act, entitled "An act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852.

[APPROVED FEBRUARY 19, 1857.]

Sec. 28 amended.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That section twenty-eight of an act defining misdemeanors, and prescribing punishment therefor, which reads as follows, viz:

"Every person who shall, by playing or betting at or upon any game or wager, either lose or win any article of value, shall be fined not exceeding fifty dollars, and any one of the persons so betting or playing, may be compelled to testify against the others therein concerned," shall be so amended as to read as follows, viz:

How amended. Betting on elections, to be fined double the amount bet;

Every person who shall by playing or betting at or upon any game or wager, or upon the result of any election, either lose or win any article of value, shall be fined in any sum not less than the value of the article

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Compelled to testify against each other.

so lost or won, nor exceeding twice the value thereof, and any one of the persons so betting or playing may be compelled to testify against the others therein concerned.

CHAPTER LI.

AN ACT to amend the thirty-second section of an act, entitled "An act defining misdemeanors, and prescribing punishment therefor," approved June 14th 1852.

[APPROVED MARCH 7, 1857.]

Sec. 32 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the thirty-second section of an act defining misdemeanors, and prescribing punishment therefor, approved June 14th, 1852, which is in the following words, to-wit:

"If any person shall sell any lottery ticket or tickets, or share in any lottery or scheme for the division of property, to be determined by chance, or shall make or draw any lottery, or scheme for a division of property, not authorized by law, such person, on conviction, shall be fined not exceeding five hundred dollars," be amended to read as follows:

How amended. Lotteries, gift enterprises, agents for lotteries or gift enterprises, unlawful to transmit money to, or abet any person so engaged.

Sec. 32. If any person shall sell a lottery ticket or tickets, or share in any lottery scheme or gift enterprise, or act as agent for any lottery scheme or gift enterprise, or aid or abet any person or persons to engage in the same, or shall transmit money by mail or by express, or otherwise transmit the same to any lottery scheme or gift enterprise, for the division of property, to be determined by chance, or shall make or draw any lottery scheme or gift enterprise for a division of property, not authorized by law, such person, on conviction, shall be fined not less than fifty dollars, nor exceeding five hundred dollars, for every such offence, to which may be added imprisonment in the county jail not exceeding thirty days.

To be fined not less than fifty nor exceeding five hundred dollars, or imprisonment in county jail.

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CHAPTER LII.

AN ACT prescribing punishment for running railroad trains or locomotives across other railroads without stopping, and to prevent carelessness and accidents in stopping.

[APPROVED FEBRUARY 27, 1857.]

Engineer not to run locomotive across track without stopping when other locomotive is in sight. Upon conviction to be fined not less than one hundred dollars and imprisonment in county jail not less than 3 or more than 12 months.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if the engineer of any locomotive running upon any railroad track, upon and over which passengers are, or may be transported, shall run his locomotive across or upon the track of any other railroad, upon and over which passengers are or may be transported, without first coming to a full stop before crossing such other track, and without first ascertaining that there is no train or locomotive in sight, approaching such crossing on such other track; or if he shall run or permit his locomotive to cross such track when a locomotive is in sight approaching such crossing on such other track, he shall on conviction be fined in any sum not less than one hundred dollars, and not more than one thousand dollars, and in addition thereto, shall be imprisoned in the county jail for any period not less than three months, nor more than one year, and if any person shall be injured or killed, by reason of such crossing, he shall be imprisoned in the State prison for any period not less than two years, nor more than fourteen years.

False report, or conductor order engineer to violate this act, or carelessness of brakeman, conductor or brakeman shall suffer.

SEC. 2. If any person shall falsely report to such engineer, that there is no train or locomotive approaching such crossing; or if the conductor of any train shall order and direct the engineer to violate the provisions of the first section of this act, or if by reason of the gross carelessness or willful neglect of duty of the brakeman of any train of cars, such train or locomotive shall run across or upon such crossing, such conductor or brakeman shall suffer the penalty prescribed for the engineer, in the first section of this act.

Which train shall have preference; penalty for violating this section.

SEC. 3. If any such engineer shall permit his locomotive to run upon or across such other track, until the locomotive and train upon the other track has passed over such crossing, if the signal man from the locomotive or train on the other track shall arrive at the crossing first, he shall suffer the same penalty prescribed in the first section of this act.

Locomotive or train not to remain on crossing,

SEC. 4. It shall not be lawful for any locomotive or train to be stopped or remain stationary on any railroad

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unless, &c., penalty for violating this section.

crossing, unless the same is done by the united agreement and under specific regulations adopted by the directors of such crossing railroads, and if the provisions of this section shall be violated, the person or persons so offending, shall suffer the same punishment prescribed in the first section of this act.

Emergency, this act to be in force from and after the 1st day of March, 1857.

SEC. 5. Inasmuch as there is no law now in force punishing persons for running locomotives on railroads over railroad crossings without stopping, an emergency exists for the taking effect of this act before the laws of this session of the Legislature will be published, and the same shall take effect on and after the first day of March A. D., 1857.

To be published in Journal and Sentinel.

SEC. 6. This act shall be published in the Indiana State Sentinel and Indiana Journal immediately, and it shall be the duty of the Secretary of State to cause the same to be done.

CHAPTER LIII.

AN ACT to enable the Evansville and Crawfordsville railroad company to alter the line of its road.

[APPROVED MARCH 7, 1857.]

Lawful to alter line of railroads

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever a portion of any railroad has been constructed in this State, and in opinion of a majority of the directors of such railroad, sufficient stock cannot be raised to complete the same, as was originally designed, it shall be lawful for such directors to alter the proposed line of said road, and extend the same to a point not mentioned in the original charter, and to continue the construction of the same, on the line so adopted, in the same manner as if such change had been provided for in the original acts of incorporation of such railroad company.

Shall have same rights as in original act of incorporation.

SEC. 2. That any railroad company, which may avail themselves of the provisions of this act, by the adoption of a change of line, in the extension of their railroad to any point of determination, not originally contemplated, shall have all the rights and privileges, over, and with respect to the newly adopted line, which were conferred upon them in their original acts of incorporation, over, and with respect to the line therein

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specified, with full power to mortgage the same, with all the appurtenances, and issue bonds thereon, in the same manner, to all intents and purposes, as if such newly adopted line, and point of termination, had been provided for in said original acts of incorporation; *Provided*, That the provisions of this act shall be construed to apply only to the Evansville and Crawfordsville railroad company, and shall be considered as supplemental to "An act to amend the charter of the Evansville and Illinois railroad company," approved March 4th, 1853, and it is further provided that all persons residing in Montgomery county, and having subscribed stock in the said Evansville and Crawfordsville railroad company, are hereby released from all liability to said company on account of such subscription of stock.

Proviso, this act to apply to none but the Evansville and Crawfordsville railroad company.

Subscribers in Montgomery county realeased from their subscriptions.

SEC. 3. An emergency existing for the immediate taking effect of this act, it is hereby declared to be in force, from and after its passage.

Emergency.

CHAPTER LIV.

AN ACT for the relief of persons who have borrowed money from the Sinking Fund of this State.

[APPROVED MARCH 7, 1857.]

WHEREAS, divers citizens of this State have heretofore borrowed money of the sinking fund of this State, and have mortgaged real estate for the purpose of securing said loans; AND WHEREAS, in divers cases, said borrowers have been unable to pay said loans and discharge said mortgages, and said lands have forfeited to the State, and have been subsequently sold for a much larger amount than the loan, interest, and expenses of said forfeiture and sale; therefore,

Lands mortgaged to sinking fund and forfeited to State, when sold for more than loan and interest, &c., remainder to be paid to person making mortgage, with interest.

[SECTION 1.] *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the president of the commissioners of said sinking fund, where persons have heretofore or may hereafter mortgage real estate to secure any loan made by said sinking fund commissioners, and said lands have forfeited to the State by reason of the non-payment of interest or principal, and said lands have been or may hereafter be

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sold for more than may be necessary to pay said loan, interest, and expenses of forfeiture and subsequent sale, to pay to the person making or who may have made said mortgage, his heirs or assigns, all such sum or sums of money that may remain, (after the payment of said loan, interest, and expenses aforesaid,) together with all interest the State may have received on said amount.

Emergency

SEC. 2. Inasmuch as the law now in force upon this subject is indefinite, and subject to divers constructions, it is therefore hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER LV.

AN ACT to amend the 30th section of an act, entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855.

[APPROVED MARCH 7, 1857.]

Sec. 30 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said section thirty, which reads as follows, to-wit:

"Where the 16th, or the section which may be granted in lieu thereof, shall be divided by a county or civil township line, the voters of the congressional township in which the same belongs, shall designate by a vote, or by the written direction of a majority of the trustees of one of the civil townships including a part of said section, to have the care and custody of such section, and to carry out the direction of the voters of the congressional townships in relation thereto; and the trustees so designated, shall have the same powers and perform the same duties as if the entire section was situated within the limits of their civil township," be so amended as to read as follows, to-wit:

How amended.

Sec. 30. Where the sixteenth section, or the section granted in lieu thereof, shall be divided by a county or civil township line, *or where the substituted section lies in any other county in this State*, the voters of the congressional township to which the same belongs, shall designate by a vote or by the written direction of a majority [of] the trustees of one of the civil townships including a part of said section, to have the care and custody of such section, and to carry out the directions

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of the voters of the congressional township in relation thereto; and the trustees so designated, shall have the same powers and perform the same duties, *and the care and management of all the moneys and effects arising from the sale thereof*, as if the entire section was situated within the limits of their civil townships.

CHAPTER LVI.

AN ACT to provide for the government and discipline of the State Prison, and to repeal "An act to provide for the government and discipline of the State Prison," approved March 3, 1855, and all other laws or parts of laws, inconsistent herewith.

[APPROVED FEBRUARY 5, 1857.]

Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An act for the government and discipline of the State Prison," approved March 3d, 1855, and all other laws or parts of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

To be elected at present session, 3 directors for State Prison, one to hold office 2 years and two 4 years—afterwards in rotation; on vacancy, or failure to elect, Governor to appoint; contractor not eligible as director; director becoming interested, shall vacate his office.

SEC. 2. There shall be elected by the General Assembly of the State of Indiana, at the present session thereof, three directors of the State Prison, one of whom shall hold his office for two years, and two of whom shall hold their offices for four years from and after their election as aforesaid, and until their respective successors shall be elected or appointed, and qualified. After the first election of directors as aforesaid, as the term of office of any director shall expire, his successor shall be elected in like manner for the term of four years, and until his successor shall be elected or appointed and qualified. Whenever any vacancy shall occur in the office of director, by death, resignation or otherwise, or by the failure of the General Assembly to elect as aforesaid, the Governor shall appoint a person to fill such vacancy, to serve until the next meeting of the General Assembly; but no person shall be eligible to the office of director, who is a contractor in the penitentiary, or who is interested, either directly or indirectly in any branch of business carried on in said institution; and if any director shall become interested during his term of office, such interest shall vacate his office, and a successor may be immediately elected or appointed.

Director to take oath; compensation of director.

SEC. 3. Before any such director shall enter upon the duties of his office, he shall take and subscribe an

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eight hundred dollars; directors to choose pres't, who shall hold office two years.

oath or affirmation, to support the constitution of the United States, and the constitution of the State of Indiana, and to faithfully and diligently discharge the duties of said office according to law; said directors shall receive as a compensation for the services required of them by law, the sum of eight hundred dollars per annum, payable in equal quarterly payments, to be paid out of the State treasury on the order of the Auditor of State. At the first meeting of the said board of directors under this act, they shall choose one of their number president of their board, and he shall hold his office for two years; and after the expiration of the term for which he was so elected, the board of directors shall again elect one of their number as president, and biennially thereafter.

Directors to elect warden, warden to hold office two years; compensation of warden not to exceed $1,600; warden shall take oath and give bond in the sum of $30,000 with 5 sureties not contractors; bond to be approved by directors and deposited in office of Treas. of State.

SEC. 4. The directors shall elect a warden, who shall hold his office for the term of four years, unless sooner removed by the directors for cause, which cause shall be entered upon the journal of the institution. The warden shall receive as compensation for the services required of him by law, such yearly salary, not exceeding sixteen hundred dollars, as to the directors may appear reasonable, to be paid quarterly out of the State treasury, on the order of the majority of the directors. The warden shall take and subscribe an oath or affirmation, that he will faithfully and impartially discharge the duties of his office, and he shall give bond to the State of Indiana in the sum of thirty thousand dollars, with at least five sureties, who shall be freeholders within this State, and not contractors within the State Prison, to be approved by the directors, conditioned for the faithful performance of the several duties which may from time to time be required of him by law, which bond the said directors shall deposit in the office of the Treasurer of State, in the care of said Treasurer.

Warden may appoint deputy, clerk and assistant keepers, each to take oath; cl'k to give $10,000 bond, which shall be deposited in the office of Treas. of State; all officers to be subject to by-laws and rules prescribed by said directors.

SEC. 5. The warden, by and with the advice and consent of the directors, shall have the power to appoint a deputy warden, clerk, and such number of assistant keepers as the directors may deem necessary, all of whom shall be men of good moral character, and shall take and subscribe an oath or affirmation, faithfully to discharge their respective duties, and such deputy warden and clerk shall give bonds to the State of Indiana in the sum of ten thousand dollars each, with such freehold sureties (not contractors in said prison,) as the directors may approve, which bond shall be conditioned for the faithful performance of their respective duties, and shall be deposited with the Treasurer of State. All

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the said officers shall be subject to such by-laws and rules as may be prescribed by the directors for the government of the prison. The directors shall appoint a physician, who shall reside near the penitentiary, and whose duty it shall be to attend to all cases of sickness among the convicts, visit the prison at least once each day, and have a general sanitory oversight of the prison, and to report to the directors as often as they may require it, concerning the health and condition of the prisoners.

Physician shall visit the convicts each day, shall make report to directors; compensation of physician; compensation of deputy warden; compensation of moral instructor; employee receiving any compensation from any contractor, or make use of property, shall be fined not exceeding five hundred dollars imprisoned not exceeding sixty days, and be discharged; officer or employee procuring escape of convict; penalty; when term of service of convict shall commence.

SEC. 6. The physician shall receive, as an annual compensation for his services, a sum not exceeding five hundred dollars, to be fixed by the board of directors. The clerk shall receive an annual compensation for his services, not exceeding one thousand dollars, to be fixed by the directors. The deputy warden shall receive an annual compensation for his services not exceeding eight hundred dollars, to be fixed by the directors. The moral instructor, hereinafter provided for, shall receive an annual compensation for his services, not exceeding eight hundred dollars, to be fixed by the directors. If any person so employed, shall receive any compensation or reward of any description from any contractor, to promote the interests or advantage of such contractor, or shall make use of any property of any description belonging to the penitentiary, for their own private purposes, unless the same shall have first been paid for or charged on the regular books in the office of the institution, at a price agreed upon with the warden and directors, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from office. If any officer or employee procure the escape of any convict, or connive at, or aid or assist in the escape of any convict from the penitentiary, whether such convict escapes or not, he shall, upon conviction thereof, be confined at hard labor in the penitentiary for any term not less than one nor more than three years. The term of service and imprisonment of every convict shall commence from the day of his conviction and sentence.

Directors to appoint moral instructor; qualifications of moral instructor; his duties.

SEC. 7. It shall be the duty of the directors to appoint a moral instructor, who shall hold his office during the pleasure of the directors. The moral instructor shall be competent to teach the rudiments of an English education, and shall reside near the penitentiary, and devote his whole time and ability to the interests of the convicts confined therein; and shall, in addition to his

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other duties and services, teach such of the convicts as the warden may send to him for that purpose, the art of reading, writing, arithmetic and geography, at such hours as may be found most conducive to the interests of the institution. He shall also superintend the mental and moral improvement of the convicts, instruct them once every Sabbath, visit them when sick, have charge of the library, and superintend the distribution and use of the books, and adopt such other means for the reformation of the convicts, as he, the warden, and directors, may deem expedient.

Duties of clerk; shall keep account with contractors, of purchasers made by warden, and description, crime, &c., of each prisoner.

SEC. 8. It shall be the duty of the clerk to keep a fair, regular and systematic account with the State, crediting the same with all moneys drawn out of the treasury for the use of the prison, and with all moneys received for the sale of manufactured articles, and charging the same with all moneys paid out on account of the institution. He shall also keep a regular account with all contractors within said prison, and of all purchases made by the warden for the use of the institution, and of the amount of the sales of the manufactured and other articles; and also, of the name, age and general description of each prisoner, and the crime for which he has been convicted, and every circumstance connected with his or her case, which may be deemed of importance by the directors; and to keep all such other accounts as the directors may require and direct.

Directors to visit prison in turn and in company; shall hold annual meetings in December, and report to Governor; shall hear and examine complaints of prisoners, and repair to prison when called by warden in emergency.

SEC. 9. The directors shall in turn, every two weeks, and in company, every two months, attend at the State Prison, inspect the warden's accounts, the different apartments of the prison, and the condition of the prisoners. They shall annually, in the month of December, submit to the Governor a report of the progress and condition of the prison, together with suggestions as to the improvements which may to them appear necessary. It shall be their duty to hear and examine into any complaints of any of the prisoners, and to give the warden such counsel and instruction as they may deem proper. It shall also be their duty to repair to the prison in any emergency when called upon by the warden, and to render him such aid and support as they may think needful.

Convicts may be hired not exceeding one hundred in a contract; contracts to be given to highest bidder; directors to give notice of letting; contractors to give security to State; warden to consi-

SEC. 10. The convicts may be levied [or hired] in any number not exceeding one hundred in any one contract, in such manner as the directors, in their judgment, may consider to be most conducive to the interests of the State. All contracts for working convicts shall be given to the highest and best responsible bidder. The directors shall cause such notice to be given by publication of

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the time and place of letting to hire said convicts, as they may deem most beneficial to the State. All contractors shall be required to give security to the State for the faithful performance of their contracts, in such amount as the directors in their judgment, may think proper. In allotting convicts whose labor is thus contracted for, the warden shall do it in such manner as he shall consider will give the convict such knowledge of any mechanical art as will be most conducive to his [their] interests after his [their] discharge.

der ultimate interest of convicts.

SEC. 11. It shall be the duty of the directors and warden so to make all contracts as to permit the convicts to have a certain amount of labor allotted to them each day for a day's work, and the time so gained after the performance of the task, may be occupied in labor for the contractor, at the same rate the contractor pays the State for the same work, or at such rate as the warden and contractor may agree upon. If any convict, who shall have made overwork, shall for any cause, be unable to make full work on any other day or days, no deduction shall be made from his overwork earnings on that account. The money so earned, shall be collected by the warden for the convict, in like manner as the money due the institution from the contractors, with the exception of the allowance of any credit, and the warden shall permit the convict to send the amount so earned to his family, or near relatives, or retain it in the office of the institution, for the use of the convict during his confinement, or when his term expires. An accurate account of all such moneys received, from whom, the time when, the amount received, and to whom payable, shall be kept by the clerk, under the direction of the warden, in a book provided for that purpose, and the warden shall account for the amount of all moneys so received, in the same manner as he does for other funds of the institution.

Convic's allowed certain time for themselv s; shall not be compelled to make up lost time; money earne shall be collected by warden, and appropriated to use of convict; clerk to keep an account of such moneys.

SEC. 12. It shall be the duty of the warden, so far as it is practicable in all contracts for the labor of convicts, to classify the convicts according to their age, disposition, and moral character. Every convict who cannot read and write, shall be sent to the school room at such times, other than working hours, as the directors and warden may see fit, and the moral instructor shall instruct them in those branches, and any other branches he may think best. It shall be the duty of the directors to make provision at the earliest practicable period for lighting the cells in said prison.

Warden to classify convicts; convicts to be sent to school room; directors shall light cells.

SEC. 13. The warden shall attend to the purchasing of all articles for the institution, clothing, provisions,

Warden shall make purchases of food, clothing

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medicines, materials for building and repairs; said materials to be manufactured in the penitentiary, and he shall have charge of the whole operations of the institution, and shall be its executive officer. But no contracts shall be made, wherein any of the directors or officers of the institution are interested.

Warden shall receive money, and pay same to treasurer of State; account to be deposited with Auditor.

SEC. 14. All moneys due the institution shall be paid to the warden, who shall pay over the same to the Treasurer of State, at the close of each quarter of the year; and such monies shall be certified into the treasury as other moneys are. A full and detailed statement of all such monies received and paid over to the Treasurer of State, shall be made out by the warden at the close of each quarter of the year, and deposited with the Auditor of State. All accounts for claims against the penitentiary for salaries, provisions, clothing, medicines, repairs, buildings, fuel, &c., shall be drawn on the order of the warden, counte signed by at least one of the directors, and presented to the Auditor of State, who examine and adjust the same, and if found correct, shall issue his warrant, payable at the State treasury, for the sum which shall be found due, specifying in each bill the date of its issue, the name of the person to whom payable, and the appropriation from which it is to be paid.

Warden shall provide bed and bed clothes for each convict, and food, shall be kept at hard labor; prisoners to be kept separate.

SEC. 15. It shall be the duty of the warden to provide each convict with a clean straw bed, and sufficient covering, at all times, to protect them from the inclemency of the seasons, and also with garments of a coarse material, suited to and sufficient for the season. He shall furnish to each prisoner a sufficient amount of coarse and wholesome food, giving to each adult person not less than three quarters of a pound of clear beef, pork, or other meat each day, with a sufficiency of vegetables and bread, with such alternation in the kind, and manner of preparation of food as, in the opinion of the physician, shall be most condusive to the health of the prisoners. All convicts shall, so far as may be consistent [with] their age, sex, and ability, be kept at hard labor, in such manner as the warden shall deem most advantageous to the State, not inconsistent with this act, and under such rules and regulations as the directors may from time to time prescribe. The prisoners shall be at all times kept as much as possible separate, and with as little intercourse with each other as the nature of their employment will permit.

Punishment to be used.

SEC. 16. It shall be lawful for the warden to use such kinds of punishment for the violation of the rules of the prison as shall in his judgment, in each particu-

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lar case, be best adapted to accomplish the purpose of such punishment: *Provided*, That such punishments shall not be extreme or unusual in their character. It shall be the duty of all officers of the penitentiary to demean themselves in as kind, humane, and forbearing manner towards the prisoners, as is consistent with the enforcement of a strict discipline and submission of the prisoners. One or more guards shall patrol said prison at least twice in every hour during the night, and until the return of the hour of labor in the succeeding morning. Rules for the government and discipline of the prison shall be enacted by the directors and warden, which shall be printed and posted up in each cell of the prison, and otherwise published, so that each prisoner shall know them, and the warden, for himself and assistants, shall be responsible for the observance and enforcement of such rules and regulations. All the officers shall hold their respective offices until their successors shall have been elected, [or] appointed and qualified.

Directors shall enact rules, which shall be posted up in each cell.

Terms of officers.

SEC. 17. Every convict who shall have served six months or more, when discharged, shall be furnished with fifteen dollars in money. Every article of value which any convict may have in his possession, when delivered into the custody of the warden, shall be carefully preserved by the warden, and again delivered to such criminal, when discharged, or to such other person as the convict may direct, at any time previous to such discharge. No vinous, fermented, or spirituous liquors, except where prescribed by the physician, shall be introduced, given, or bartered or sold to any of the convicts; and any person offending against the provisions of this act, shall forfeit and pay a sum not exceeding fifty dollars, to be recovered in any action of debt at the suit of the warden, before any court of competent jurisdiction, to be applied to the use of the institution; and if such offender is an officer of the penitentiary, his office shall be vacated and a successor immediately appointed. In all prosecutions in behalf of the State prison, the style shall be, "A. B., warden of the State prison, against C. D."

Convict to be furnished with fifteen dollars on discharge.

Property to be returned on discharge.

Liquors prohibited; penalty for violating this clause.

Style of prosecutions, &c.

SEC. 18. One or more apartments of the State prison shall be set apart and prepared as an infirmary; and whenever any convict shall be considered by the attending physician so unwell as to require removal from work, such convict shall be placed in the infirmary, there to remain until the physician shall report to the warden, that such convict is in a proper condition to be

Infirmary.

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removed from said infirmary, when the warden shall order such convict back to his or her former labor.

Auditor of State to keep an account with Warden.

SEC. 19. The Auditor of State shall keep a regular account with the warden, charging him with all moneys paid on account of the institution, and crediting him with all moneys paid into the treasury, on the production of the treasurer's receipt for said payments. It shall be the duty of the auditor to make out an abstract of all such accounts up the 15th day of December, annually, and report the same to the Governor, before the first day of January thereafter, to be by him reported to the General Assembly, at the next session thereof.

Books, &c., to be open for inspection.

The books of the clerk and warden shall be open at all times for the inspection of the directors of the prison, and copies of any portion of said books, certified under the hand and seal of either of the directors, shall be good evidence in a suit against the clerk or warden, or their sureties.

Library.

SEC. 20. It shall be the duty of the State Board of Education to distribute to the directors of the State prison, under the direction of the State Superintendent of Public Instruction, one copy of the libraries distributed to the several townships of this State, for the sole use of the convicts in said prison; said library shall be in the charge of the moral instructor, and shall be kept in the prison.

Director to take charge of and sell tools.

SEC. 21. The directors are hereby authorized and required to take proper care of the property, tools, and machinery belonging to the State, and enumerated in the Patterson Invoice, and sell the same, at such times, in such manner, and upon such terms as they consider most beneficial to the interests of the State.

Directors may continue previous contracts.

SEC. 22. It shall be lawful for the directors, if in their opinion justice and good faith require it, to continue the existing contracts for the hire of the convicts, with the present contractors, for a period not exceeding four years from and after the first day of June, 1857.

Emergency.

SEC. 23. Whereas, there is now no law in force authorizing the hiring out of the convicts, and regulating the same, or providing for the complete government of the State prison, there exists an emergency for the immediate taking effect of this act, and the same shall therefore be in force from and after its passage.

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CHAPTER LVII.

AN ACT to amend the third section of "An act to regulate the title of all those who purchased swamp lands of the United States, after the date of the donation, and before the selection of the swamp lands by the State of Indiana," approved March 5, 1855.

[APPROVED MARCH 7, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the third section (of chapter 103 of the laws of 1855) of "An act to regulate the title of all those who purchased swamp lands of the United States, after the date of the donation and before the selection of the swamp lands by the State of Indiana," approved March 5, 1855, which section reads as follows, to-wit: Sec. 3 amended.

"In case the pu chaser of said land is dead, or dies before the issuing of said patent, if he has devised the same, his devisee shall be entitled to all the rights of the purchaser, and entitled to the patent if he dies intestate, his heirs shall be entitled to such patent; and in case such purchaser, in his lifetime, sold the land so purchased, his assignees shall be entitled to such patent," be amended to read as follows:

In case the purchaser of said land is dead, or dies before the issuing of said patent, if he has devised the same, his devisee shall be entitled to all the rights of the purchaser, and entitled to the patent; if he dies intestate, his heirs shall be entitled to such patent; and in case such purchaser, in his lifetime, sold the land so purchased, his assignees shall be entitled to such patent; and in case said land has been sold by virtue of any execution or order of sale, issuing out of any court of competent jurisdiction, against the original purchaser, his heirs, devisees, or assignees, as the case may be, the purchaser or his assignee, under such execution or order of sale, may present his title papers, or a certified copy thereof, together with the certificate of the recorder of the county, that the deed of the sheriff and subsequent deeds, if any, are duly recorded in said office, and the certificate of the county auditor that the land has been duly transferred by him for taxation, and his affidavit that he has not sold or otherwise disposed of said land, shall be entitled to such patent, and the original purchase money, or land warrants, shall vest in the State of Indiana, as is provided in section two. How amended.

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CHAPTER LVIII.

AN ACT to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof for the purpose of ditching the swamp lands therein.

[APPROVED MARCH 5, 1857.]

Treasurer and Auditor to ascertain amount each county of swamp land fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Auditor and Treasurer of State, to ascertain the amount now due to each and every county in this State from the swamp land fund.

To ascertain amount received from U. S. after grant. Amount received for sales made by registers and receivers.

SEC. 2. In ascertaining said amount, the said Auditor and Treasurer shall ascertain the amount received from the United States, for lands sold by the United States after the grant thereof to the State of Indiana, the amount received into the State Treasury from the sales of lands made by the registers and receivers of the United States land offices in this State, for any swamp lands sold by them under any law of this State, and also the amount sold in each county of this State.

To credit each county with amount received from swamp land sales, and charge for monies expended for draining, &c.

SEC. 3. The said Auditor and Treasurer shall place to the credit of each county, the amount of all monies received into the treasury, from any source whatever, for the sale of swamp lands therein, and charge each county with all monies expended therein for ditching and draining the same and also the expenses incurred by each county in selecting the same, and other expenses—in proportion to the amount of swamp land fund in each county—and on ascertaining the amount so due to each county, they shall immediately certify to the treasurer of the different counties, the amount or balance in the State treasury belonging to said county.

Duty of Treasurer of State in regard to funds. Pay of Auditor and Treasurer.

SEC. 4. It shall be the duty of the Treasurer of State to set apart and keep on hand the amount of the balance found due the different counties of this State, and to pay all orders of the Auditor of State, thereupon for the ditching or draining swamp lands in any county of this State, from the amount due to said county.

SEC. 5. The Auditor shall receive one per cent., and the Treasurer of State one half of one per cent. on the amount due each county, to be paid out of the swamp land fund.

Emergency.

SEC. 6. Whereas, it is important to the different counties of this State, to ascertain the amount due to each county for the purpose of proceeding at as early a day as possible to the ditching and draining of the lands

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therein; it is declared that an emergency exists for the immediate taking effect of this act, which is hereby declared to be in force, and to take effect from and after its passage.

CHAPTER LIX.

AN ACT to amend section twenty-five of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May, 29, 1852, and also to facilitate the ditching and draining of swamp lands, and to provide for the payment thereof, in certain cases therein mentioned.

APPROVED MARCH 5, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the twenty-fifth section of an act, entitled "An to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852, which section reads as follows, to-wit: Sec. 25 amended.

"Sec. 25. No work shall be let or advertised to be let unless there shall have been swamp lands sold previously thereto within the county of sufficient amount to pay the cost of the work advertised to be let," be, and the same is hereby amended, so as to read as follows:

No work shall be let or advertised to be let unless there shall have been swamp lands sold previously thereto within the county, of sufficient amount to pay the cost of the work advertised to be let; *Provided*, *however*, That the work may be paid for in swamp lands, at the minimum value thereof. How amended. Proviso.

SEC. 2. That all contracts heretofore made by any of the swamp land commissioners, with any person or persons for the ditching and draining of any of the swamp lands, in any of the several counties of this State, to be paid for in swamp lands, may be ratified and confirmed by such commissioner: *Provided*, *however*, That the ditching and draining to be done, shall be fully completed according to the original plan and estimates, and contracts, before the title to the land to be received in payment therefor shall vest in such person or persons, or any person or persons to whom they shall have assigned any portion of said contracts, or to whom they shall have Contracts made for ditching may be ratified. Provided it is done according to contract.

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conveyed, or attempted to convey, any portion of said lands, and in all cases where patents have been issued on estimates for work not completed, they shall be returned and canceled, and the lands and contracts held subject to the provisions of this act.

Patents issued on work not completed to be returned and canceled.

Contractors to make lists of lands wanted by them, file it with auditor.

SEC. 3. That whenever any person or persons shall contract to ditch and drain any swamp lands, the payment for which is to be made in swamp lands, such person or persons shall make out a list of such lands as he or they may desire to receive in payment for the work, and upon filing such list with the auditor of the county in which the lands are situated, accompanied by a certificate of the contract, attested by the commissioner, sale of the lands included in said list shall not be made until the person having such contract shall complete or forfeit the same. And the contractor as fast as he shall receive estimates for work done upon his contract, shall have the privilege of receiving a certificate of entry from the treasurer of the proper county, for lands selected by him to enter, to an amount not exceeding 75 per cent. of the amount of the estimeate, and upon which he shall be entitled to receive a patent from the State. And such certificates shall be assignable, and entitle the holder to such patent, and if any such contractor, or his assigns shall pay to the treasurer of the proper county, the amount for which any of the lands so selected by him is subject to entry for cash, he may receive a certificate of payment therefor, upon which he shall be entitled to receive deeds from the State, and the money so paid to the county treasurer, shall be retained in the county treasury, and shall be paid out to such contractor, or his assigns, upon the warrants of the commissioner upon estimates for work done upon the contract, but such estimates shall not be for more than seventy-five per cent. of the work done until the contract is completed, when the final estimate shall include the per centage thus retained; and the money so paid into the county treasury shall not be applied or used for any other purpose until the ditching and draining of such land is completed.

Lands to be reserved.

Contractor to receive certificate of entry.

Not to enter exceeding 75 per cent.

Certificate shall be assignaled.

On payment of money to treasurer contractor shall receive certificate of payment.

Shall receive patent from State.

Money to be retained in county treasury, and paid to contractor or assigns on warrant of commissioner on estimate.

Estimate not to exceed 75 per cent.

Money so paid not to be otherwise appropriated

Persons having purchased swamp land for ditching and if ditch is approved by engineer shall be paid for.

SEC. 4. That any person or persons who may have purchashed swamp lands, and shall have proceeded to ditch the same, if, on examination by the commissioner and engineer, it shall appear to them that said ditch is a good and sufficient one, and such as they would have ordered, they shall proceed to estimate and pay for the same.

Emergency.

SEC. 5. As there is no law now in force authorizing the proceedings contemplated by this act, and as a

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large amount of swamp and overflowed lands in this State could be drained, if the drainage could be paid for in swamp lands, it is hereby declared that an emergency exists for the immediate taking effect of this act, and that this act shall be in force from and after its passage. And it is hereby made the duty of the Secretary of State to cause a copy of this act to be filed in the office of the auditor and treasurer of each of the several counties of this State.

Secretary of State to send copies of this act to the several county auditors and treasurers.

CHAPTER LX.

AN ACT authorizing the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river, in the State of Indiana.

[APPROVED MARCH 7, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That nothing contained in the act of the General Assembly of the State of Indiana, entitled "An act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852, shall in anywise be so construed as to authorize or empower the swamp land commissioners in any county of the State of Indiana in which there may be situated swamp lands, or any contractor or contractors in the ditching and draining of any swamp lands belonging to the State of Indiana, or which may have heretofore belonged to said State, and who may now have a contract for the draining and ditching of any such land, in the execution and performance of any such contract, to construct or cut any canal or ditch from the Calumet river in said State, to what is known as the Grand Calumet river, which would divert any of the waters of the Calumet river from its natural bed or channel, or lower the same below the level of the top of said channel; and the construction of any and all such ditches or canals, is prohibited for, and during such time, and such time only, as the State of Illinois shall continue and maintain at Blue Island or Rexford's in said State, what is known as the Calumet feeder

Nothing in act of May 29, 1852, to authorize swamp land commissioners to cut ditch from Calumet river to Grand Calumet river, to divert waters of Calumet river from channel.

Such ditch prohibited during such time as Illinois shall maintain Calumet feeder dam.

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dam, and so long as what is known as the Calumet feeder, shall continue to be required and used to furnish the main supply of water for the summit level of the Illinois and Michigan Canal, not, however, longer than five years from the first day of July, 1857.

Lake co. swamp land commissioners to cause such ditching to cease.

SEC. 2. It is hereby made the duty of swamp land commissioners of the county of Lake, in the State of Indiana, to cause the work now in progress on what is known as the Grand Calumet Canal or Ditch, which is intended to divert the waters of the said Calumet river from its natural channel, to be stopped, and all work and operations thereon to cease.

State of Illinois authorized to maintain Calumet feeder dam not exceeding 5 years from first July, 1857.

SEC. 3. The State of Illinois is hereby authorized and empowered, so far as the General Assembly of the State of Indiana can confer such power and authority, at the expense of said State of Illinois, to maintain said Calumet feeder dam at its present height, for, and during such period as the water of the Calumet river, by means of said feeder dam, shall continue to be used as a principal source of supply to the Illinois and Michigan Canal, not exceeding five years from the first day of July, 1857: *Provided*, *however*, That the board of trustees of the Illinois and Michigan Canal shall pay and be accountable in damages to the owner and owners of all lands situated in the State of Indiana, who may have owned or had an interest in fee therein before the erection of the Calumet feeder dam, and which lands may have been, or are now in anywise overflowed or injured by reason of the erection of said feeder dam: *And*, *provided further*, That said board of trustees aforesaid, shall pay and be accountable in damages, to the board of commissioners of any county in the State of Indiana in the vicinity of said feeder dam, who may have incurred expenses or damages that may be incurred, or outlay of money in the repair and construction of bridges, by reason of the erection of said feeder dam, and the overflowing of lands as aforesaid.

Proviso.

Illinois and Michigan Canal to be accountable for damages to owners of land that are overflowed; also, accountable to county commissioners for money expended on bridges on account of said dam.

County commissioners of Lake co. and Illinois and Michigan Canal shall each appoint appraiser to assess damages sustained in Lake or Porter; vacancy in board; how filled.

SEC. 4. For the purpose of ascertaining the damages which may have been, or now are sustained, as contemplated in the third section of this act, it is also hereby further enacted, that the board of commissioners of the county of Lake, in said State of Indiana, be, and they are hereby authorized and empowered, and it is hereby made their duty to choose some competent citizen of the State of Indiana, and the board of trustees of the Illinois and Michigan Canal, shall, and hereby, have the right to choose some competent person in their behalf, which two persons, when so appointed, shall choose a third person, and the three so chosen are here-

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by constituted a board of appraisers, whose duty it shall be, to ascertain, assess and appraise all the damages claimed or sustained to lands lying either in the counties of Porter or Lake in said State of Indiana, which damages, if allowed, shall be limited to such lands as have been sold by the United States, and are included within the lines of the government survey, and such lands as are contemplated in the third section of this act; and in case any vacancy shall in any manner occur in said board of appraisers, such vacancy shall be filled in the manner in which original appointments were made.

Appraisers to take oath; decision of appraisers to be final.

SEC. 5. The appraisers so chosen, as provided in the fourth section of this act, shall take an oath and be duly sworn to truly and impartially ascertain and assess the damages claimed by any person or persons, which may be presented to said board of appraisers for adjudication, arising from any of the causes contemplated in this act, and the decision of said board of appaisers shall be final and conclusive between the parties, in all cases which may be submitted to them, and which they shall have determined by adjudication: *Provided, however*, That either party shall have the right within thirty days, to appeal from the decision of said appraisers, to the circuit court or court of common pleas of the county in which the land is situated, as in other cases.

Proviso.

Appeal to circuit or com. pleas courts.

Appraisers to give notice of time and place of meeting, by posted bills and publication.

SEC. 6. The said board of appraisers shall give public notice of the time and place of their meeting, the purpose and object thereof, which notice shall be for at least thirty days before the day fixed for the meeting; and said notice shall be given by printed handbills, published and posted in at least three public places in each of the counties of Porter and Lake, in the State of Indiana, and also by the publishing of like notices in the newspapers published in said counties.

Appraisers to hear and determine complaints, and give notice; authorized to administer oaths.

SEC. 7. At the first meeting of the board of appraisers, as provided for in the sixth section of this act, it shall be their duty to receive the complaints of any and all persons claiming damages under the provisions of this act, to file the same and record the names of all such claimants in a book provided for that purpose, and then to fix a day in the future, for the hearing of all such claims as may then be filed as aforesaid, of which time for the hearing of such claims, the claimants shall have such reasonable notice as such board of appraisers may deem sufficient; said examination and the rule of evidence in the same, shall be governed in all respects, by the same rules now governing in cases in

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the courts of the State of Indiana; and to this end, and for this purpose, said board of appraisers, and each member thereof, is hereby authorized to administer oaths to all persons brought before them as witnesses in relation to any claim for damages pending before them.

Commissioners Lake co. to appoint appra ser at first meeting after notice of he passage of this act. Shall inform trustees of the Illino s and Michigan canal thereof; trustees of I. and M. Canal to meet at Lake Station; shall choose a third appraiser;

SEC. 8. The board of commissioners of Lake county shall appoint the appraiser authorized to be appointed by said board, at their first meeting after notice of the passage of this act, and shall inform the board of trustees of the Illinois and Michigan Canal thereof, within ten days thereafter; the appraiser so chosen by the board of commissioners of Lake county, and the appraiser appointed by the trustees of the Illinois and Michigan Canal, shall meet at Lake station in the county of Lake, in the State of Indiana, for the purpose of selecting the third appraiser, and of organizing with him the board of appraisers, as contemplated in the 4th section of this act, and the meetings of said board of appraisers shall always be held for the purposes provided in this act, at said Lake Station in Lake county, in the State of Indiana; said board of appraisers may adjourn from time to time, if in their judgment, the interests of either party require it.

Appraisers may adjourn from time to time.

Claimant may file claim for damages within 60 days; claim shall be filed and recorded persons failing to file claim within 60 days, shall be barred.

SEC. 9. It is further enacted, that after the notice of the time and place of the presenting claims for damages under this act shall have been given as provided for in the 6th section of this act, any claimants for damages under this act, may at any time within sixty days thereafter, file his, her or their claim for damages under this act, with either [of] the members of said board of appraisers, which shall be filed and recorded in the manner specified in the seventh section of this act; and all persons failing to file their said claims within the time herein specified, shall be deemed as having waived his claim for damages, and any claimant so failing, shall forever be barred from asserting any claim for damages under this act: *Provided*, That after the expiration of the time thus specified, claims may be made and adjusted at any time before the first day of January, 1858, the claimant paying the entire expenses attendant upon such adjustment, and that the appraisers may act upon and adjust such claims, if called upon, as in other cases, until said first day of January, 1858, anything in the tenth section of this act to the contrary, notwithstanding: *And provided further*, That infants, idiots, *femmes covert* and insane persons, shall not lose their right to damages, in consequence of such disability, but their claims may be presented within twelve months after the removal of such disability, to the appraisers before pro-

Proviso.

Claims may be made and adjusted bef re Jan 1st, 1858, claimant paying expenses.

Claims of infants, &c, presented after removal of disability.

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vided to be appointed, if they can be conveniently brought again together, or upon application to the circuit court or court of common pleas for the county in which the land damaged is located, such court may appoint three appraisers, who shall, in such case, have the same powers and be subjected to, and governed by the same rules as are prescribed for appraising and assessing damages in former sections of this act; the trustees of the Illinois and Michigan Canal, in all such cases, to have not less than thirty days notice of the meeting of such appraisers, which must be held at Lake Station, aforesaid. The expenses of the assessment and appraisement of damages in such cases, shall be paid in the same manner, and to the extent specified in the next succeeding section of this act, and the decision of such appraisers shall have the same force, and be subject to the same appeal, and binding on all parties in the same manner, as the decisions of the appraisers appointed under a previous section of this act.

Court to appoint three appraisers.

I. & M. Canal to have not less than 30 days notice of meeting.

Decision of such appraisers to have same force as that of the others.

SEC. 10. The appraisers contemplated and provided for in this act, except as named in section 9, shall have until the 20th day of October, in the year 1857, for the purpose of discharging the duties required of them under this act, and for their services, as such appraisers, they shall receive the sum of five dollars each, per day, for each and every day of actual service rendered by them, or either of them, in the transaction of the business required under the provisions of this act, to be paid by the State of Illinois, or the board of trustees of the Illinois and Michigan Canal, as the case may be, together with all witness fees, except as otherwise provided in this act.

Compensation of appraisers to be paid by the State of Illinois, or trustees of I & M Canal.

SEC. 11. *Be it further enacted by the General Assembly of the State of Indiana*, That inasmuch, as by the provisions of the second section of this act, the swamp land commissioner of Lake county, Indiana, is authorized and required to stop and cease the work known as the Grand Calumet Canal or Ditch in said Lake county, the said commissioner is hereby authorized, and it is made his duty to estimate all work done by said contractor on his said contract, up to the time of his ceasing the prosecution of said work, including his per centage thereon, retained on work heretofore done; and the appraisers appointed under a former section of this act, are hereby constituted appraisers to assess and ascertain the damages actually sustained by said contractor by reason of said work being stopped, as required in the second section of this act; which said amount of damages, when so ascertained, together

Swamp land commissioner to estimate work done by contractors on time of cessation of work

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with the amount that may be found due to said contractor for work done, and for per centage heretofore retained, shall be paid to said contractor; and said commissioner of swamp lands of the county of Lake, Indiana, is hereby authorized to draw his warrant in favor of said contractor, for such sum as may be found due him for work and labor, and per centage, as aforesaid, which sum shall be paid to said contractor in the manner as now provided for payments to him for such work, and the damages awarded to him as aforesaid, shall be paid as other damages are paid.

Board of commissioners of Lake co auth rized to adjust all claims with the trustees of I. & M. Canal amicably.

SEC. 12. Nothing contained in the provisions of this act, shall be construed so as to prevent the board of trustees of the Illinois and Michigan Canal from adjusting any or all said claims for damages amicably with such claimants, if the same can be so done, and at any stage of the proceedings, and in any case; and the said board of commissioners of Lake county are hereby authorized and empowed to adjust amicably with the trustees of the Illinois and Michigan canal, all present and prospective damages to said county, or which may at any time arise by reason of said Calumet feeder dam, such adjustment shall be final and conclusive as to all damages which may hereafter arise, and shall operate as a perpetual release in favor of the State of Illinois, and the board of trustees of the Illinois and Michigan Canal, aforesaid.

Such adjustment to be final.

Damages, fees, &c, to be tendered at time award is made.

SEC. 13. All damages awarded to any party claiming damages, as also all costs and witness fees, shall be paid or tendered at the time of the award made by the appraisers, to the party or parties entitled thereto:

Proviso.

Provided, That if an appeal be taken, then said damages and costs shall be paid as above, when finally decided by the court or courts appealed to: *And provided, further*, That in case any such award shall not be paid or tendered within ninety days after the same is made or such appeal decided, or in case the owner of said canal, or the trustees thereof, fail to appoint an appraiser, or otherwise to carry out the provisions of this act, on their part in good faith, so far as relates to damages or approval thereof, then this act shall cease to have any beneficial effect to the owners of the said canal, or to be in force in any other particular, and every right previously acquired by the owners of such canal under the provisions of this act, shall be forfeited.

Proviso.

On failure of canal trustees to carry out provisions of this act in good faith, to have no benefit of this act.

Emergency.

SEC. 14. Whereas the commissioners of swamp lands in the county of Lake and State of Indiana, is [are] now engaged in the cutting of a canal or ditch from the Calumet river the effects of which, is to divert the wat-

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ers of the Calumet river from its natural bed or channel, thereby destroying what is known as the Calumet Feeder of the Illinois and Michigan Canal, it is deemed that an emergency exists for the immediate taking effect of this act, and it shall, therefore, be in force from and after its passage, and publication in the Indiana State Sentinel, and Indiana State Journal.

Persons having purchased lands since erection of said dam, entitled to damages and interest.

SEC. 15. Each and every person or persons, who have purchased any swamp lands since the erection of said dam, and which lands are overflowed or injured in consequence of the erection of said dam, in an ordinary stage of water, shall be entitled to receive by way of damages, the sum of one dollar and twenty-five cents per acre for such land so overflowed or injured, and ten per cent. interest per annum thereon until paid, and no more; and all such person or persons shall be severally limited in quantity to the actual amount included in the government survey, as made by the United States.

This act to become void at end of 5 years from its taking effect.

SEC. 16. This act shall cease, and be null and void at the expiration of five years from the time of its taking effect, and the rights of all persons or parties shall remain and be as if this act had not been passed: *And provided, also,* That nothing in this act shall be construed into an acknowledgment by the State of Indiana, that she ever bound herself, by contract or otherwise, to consent to the building of said dam, nor that the State of Indiana will not require the removal of said dam at the expiration of said term of five years.

Proviso.

NOTE—This act was published in the Indiana State Sentinel of May 9th, 1857, and in the Indianapolis Journal of May 11th, 1857.

DANIEL M'CLURE,
Secretary of State.

CHAPTER LXI.

AN ACT to provide for, and regulate the inspection of tobacco throughout the State of Indiana.

[APPROVED FEBRUARY 12, 1857.]

Tobacco in warehouses &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That inspection of leaf tobacco in hogsheads may be had any where in the State, and warehouses for the inspection, storage and sale of tobacco, shall be constructed so as to keep safely and

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securely, and guard against fire, and the weather as far as practicable, all tobacco stored therein, and such warehouse shall at all times be kept open, and in good repair, and shall be provided with all the necessary conveniences for receiving, storing, inspecting, selling, and delivering tobacco in hogsheads.

Proprietor of warehouse to keep scales.

SEC. 2. The proprietor of each warehouse shall provide and continually keep in the same, and in good order, scales of sufficient size and strength to weigh at least one tun weight, which shall be tested once in every year, and oftener if necessary, by the standard weights and measures, and shall provide a sufficient number of coopers to do the coopering, and to handle tobacco, stored, inspected, and sold in such warehouse, and shall provide all other necessary assistance to do all things needful in receiving, storing, inspecting, selling, coopering, and delivering tobacco. The said warehouse proprietors shall superintend the weighing each hogshead of tobacco, and see that the empty cask is properly weighed, and that the proper numbers and weights, gross, tare, and net are marked on one of the heads of the same. They shall cause each hogshead to be uncased and shall furnish the necessary hands to break the same. The inspectors shall then cause it to be broken not less than three times, and oftener if they shall deem it necessary, and shall draw samples in quantity from each hogshead not exceeding ten pounds in quantity.

Shall provide coopers and other ass stance to do the storing and receiving.

Inspector to draw samples from each hogshead.

Shall keep account of description of each hogshead and amount sold for.

SEC. 3. The proprietors shall keep a well bound book of proper size, in which shall be entered the marks, numbers, gross, tare, and net weights of each hogshead, inspected and sold, together with the owner's name, and the price sold for, per one hundred pounds, and the amount each hogshead sold for, and when requested to do so, collect and pay to the planters or sellers of tobacco the sum due them. He shall make account of sales for the planters or sellers, stating the number of hogsheads, gross, tare, and net weights, and the price per hundred pounds, and the sum each hogshead amounts to.

Not allowed to purchase leaf tobacco in county.

Not allowed to sell tobaco contrary to provisions of this act.

Proprietor to be liable for agen s, &c., and for safe-keeping, except in case of fire.

SEC. 4. No proprietor, or any of his agents, shall directly or indirectly, be engaged in buying leaf tobacco, in the county in which his warehouse shall be situate. Nor shall any proprietor rent or suffer any portion of his warehouse to be used for the sale of tobacco in the hogshead, except as provided in this act. The proprietor shall be liable for his agents and servants, and for the safe keeping and delivery of tobacco in his warehouse, except in case of fire or unavoidable accident, and

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shall deliver all tobaoco to the owners or other persons entitled to receive the same, immediately outside the warehouse doors, within a reasonable time after demanded at the warehouse, and presentation of the receipt to a proprietor or his clerk, and payment or tender of the fees due on said tobacco. To deliver to owners upon presentation of receipt and payment of fees.

SEC. 5. The proprietor of each warehouse shall enter into bond, with good security, to be approved of by the judge of the court of common pleas of the county, and kept on file in that court, provided the approval of the clerk of said court in vacation, is authorized until the next session of that court, payable to the State of Indiana, in the sum of five thousand dollars, conditioned well and truly to perform all the duties required of him by, and to conform to all the provisions of this act. The injured party by any violation of said bond, may sue thereon by civil suit, and recover for his own benefit as in other cases, for any injury received, and any such proprietor who shall violate any condition of such bond, or any provision of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars. Proprietors shall give bond in sum of $5,000. Penalty for violation of bond.

SEC. 6. The fees to be collected by the proprietor of any tobacco warehouse in this State, shall be as follows: one dollar and fifty-five cents for receiving, weighing, coopering, marking, making out bills of sale, and paying the money to the seller, and making out and delivering the note or memorandum to the purchaser; and fifty cents storage, and twenty cents to the inspectors. Of this amount the planter or owner, shall pay one dollar, and the purchaser shall pay one dollar and twenty-five cents when the note is made out and presented to said purchaser. Fees of proprietor and by whom paid

SEC. 7. That upon the application of the proprietor or of any person engaged in the construction of any such warehouse, in any county in this State, the judge of the court of common pleas of such county shall appoint two competent judges of tobacco, inspectors thereof for said county, to hold their offices from the date of their appointment and qualifying, for one year from and after the first day of November following their appointment, and until their successors are severally appointed and qualified, after said first appointment, and so long as there shall be any tobacco warehouse kept in operation in such county; and beginning with the first day of November, ending the term of the first appointment, said judge of the court of common pleas shall, on the first day of every alternate November, appoint two competent judges of tobacco, inspectors thereof for said Court to appoint inspectors for one year, also to appoint inspectors for two years.

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county, to hold their offices for the term of two years, and until their successors shall severally be appointed and qualified, and said judge of the court of common pleas shall also, on such orignal application, and at the time of all such subsequent appointments of inspectors, appoint some such competent judge of tobacco an alternate inspector of tobacco, whose duty it shall be to act in the absence of either of the other inspectors, who shall be entitled to the same fees for discharging the duties of the office, and be subject to the same restrictions, and shall have the same power as the other inspectors severally. The judge of said court may at any time remove any inspector from office for the violation of any of the provisions of this act, and shall fill all vacancies whether occasioned by death, removal from office, resignation, or removal from the county. Before entering upon the duties of their office each inspector shall take an oath before the clerk of the court of common pleas of such county, a copy of which shall be filed in said court, that he will well and truly, and without partiality perform the duties of tobacco inspector, in such county, and comply with all the provisions of this act during his continuance in office. The two inspectors shall each day, when there shall be tobacco in any such warehouse ready for inspection, take notice of that fact, and shall from eight o'clock, A. M., to five o'clock P. M., or until all such tobacco shall be inspected or withdrawn, attend to the inspection thereof, at the different warehouses in their county.

Alternate inspector to act in absence of others.

Vacancies, how filled.

Inspector to take oath.

Hours for inspection.

Pay of inspectors. SEC. 8. The two inspectors performing the duties of the office shall receive ten cents each upon every hogshead of tobacco by them inspected It shall be the duty of the inspectors, when required by the seller or buyer, to seal the sample out of [the] hogshead of tobacco, as made by them with marks and numbers, corresponding with those upon the hogsheads from which they were taken. They shall class the same if required by the buyer or seller, by placing the letter "P" on the sample which shall represent the word "Passed," or the letter "R," which shall represent the word "Refused."

To seal, number and mark each sample inspected.

Not required to sell at auction. SEC. 9. No planter or owner of tobacco shall be required to take it to any warehouse, or to have the same inspected, or sold at auction at any such warehouse; but when sold at any such warehouse, at auction, he may refuse to take the price at which it was cried off.

May refuse price at which it is bid off.

Storage charges. SEC. 10. If any hogshead of tobacco shall remain in the warehouse twelve months, the proprietor of said warehouse shall be entitled to one dollar extra for storage, and at the same rate for the time it shall remain

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after one year, and shall be entitled to fifty cents hereinbefore named for storage on all tobacco which may remain in such warehouse for less than one year. A lien is hereby given to the proprietor of warehouses, and inspectors on all tobacco, and the proceeds thereof, for the fees and charges on the same.

Lien given on tobacco for charges.

SEC. 11. The proprietors of tobacco warehouses shall furnish twine for tying the samples, and cards of good pasteboard, with the name of the house printed thereon, to be tied on said samples, and they shall also furnish a stamp of tin, brass, or copper, which shall be marked with the name of the warehouse, and with the words "tobacco inspection," preceeded by the name of the county, or of the principal, or any other town of the county, and the same shall be stamped on one of the heads of each hogshead of tobacco sold in said warehouse.

Proprietors to furnish twine, cards, stamps &c.

SEC. 12. No proprietor or his agent of any such warehouse, shall sell or suffer to be sold by sample at public outcry, any tobacco in hogsheads, unless said tobacco has been inspected by the regularly appointed inspectors of tobacco in such county.

Not allowed to sell uninspected tobacco at auction.

SEC. 13. The following shall be the forms of the note or memorandum and receipt to be made out and signed by the proprietor of such warehouses, for each hogshead of leaf tobacco sold and weighed by him: "This —— day of ——— 18 — weighed and sold for —— in hogsheads of leaf tobacco, No. ——, marks ——, gross —— tare, —— net ——, price ——, witness —— hand, the date above mentioned." To which the names of the manager or proprietor of the warehouse, shall be written by himself or some person authorized by him. "Received from ——— the above hogshead to be delivered to him or his assigns, when demanded at warehouse in ———. upon the presentation of this note or receipt, and upon the payment of warehouse fees. This —— day of ——— 18—." Said note shall be assignable by endorsement or delivery, and such endorsement shall pass the title to the tobacco described therein.

Form of memorandum or note.

Form of receipt.

SEC. 14. All acts and parts of act in conflict with the provisions foregoing, are hereby repealed.

All conflicting acts repealed

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CHAPTER LXII.

AN ACT to legalize the acts of the Board of Trustees of the Town of Mishawaka.

[APPROVED FEBRUARY 19, 1857.]

Preamble. WHEREAS, the town of Mishawaka was duly incorporated according to the provisions of the general act providing for the incorporation of towns, but owing to some accident or neglect not now understood, no proper record of the transaction was made: AND WHEREAS, the board of trustees of said town have, ever since its incorporation, performed the duties and exercised the powers vested in them by said act, the validity of which action is liable to be called in question, in consequence of no such record being found; therefore,

Acts of the Board of Trustees of the town of Mishawaka legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the official acts of the board of trustees of the town of Mishawaka, done in conformity with the laws of this State, prescribing their duties, shall be and the same are hereby declared to be legal, as fully and completely as if a proper record existed of the incorporation of said town.

Emergency. SEC. 2. Inasmuch as doubts exist as to the power of said trustees to enforce their acts, in consequence of which great inconvenience may arise, an emergency is hereby declared to exist for the passage of this act; and it shall be in force from and after its passage.

CHAPTER LXIII.

AN ACT to amend section six of an act, entitled "An act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns and providing for the change of the names of such towns," approved May 20, 1852.

[APPROVED FEBRUARY 26, 1857.]

Sec. 6 amended. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section six of an act, entitled "An act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or

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any part thereof; the making out and recording of plats of such towns, and providing for the change of the names of such towns," approved May 20, 1852, which is in the following words, to-wit:

"Whenever any person or corporation, interested in any incorporated town in this State, may desire to vacate any lot, street, alley, common, public square, or part thereof, in such town, such person or corporation may petition the board of county commissioners for the proper county, giving a distinct description of the property to be vacated, and the names of the persons to be affected thereby, which petition shall be filed with the clerk of said board, thirty days previous to the sitting thereof, and notice of the pendency of said petition shall be given for the same space of time, either in a public newspaper printed in said town, or by written notices thereof, set up in three of the most public places in said town," be and the same is hereby amended, so as to read as follows, to-wit:

How amended.

Whenever any person or corporation interested in any incorporated town, or in any real estate in this State, laid out in streets and lots as a town, may desire to vacate any lot, street, alley, common, public square, or part thereof, in such town or plan of town, such person or corporation may petition the board of county commissioners for the proper county, giving a distinct description of the property to be vacated, and the name of the persons to be affected thereby, which petition shall be filed with the county auditor thirty days previous to the sitting of such board, and notice of the pendency of said petition shall be given for the same space of time, in a public newspaper printed in said county, if any there be, and by written notices thereof set up in three public places, near the lots, streets, alleys, common or square proposed to be vacated.

Vacation of streets and highways; how accomplished.

CHAPTER LXIV.

AN ACT to authorize the Treasurer of State to buy, for the State, lands sold on execution or by order of Court, and to sell the same and execute deeds therefor, and to legalize purchases and sales already made in similar cases.

[APPROVED MARCH 4, 1857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State be and he is hereby authorized to purchase for and in the name of the State of Indiana, for the use of any particular fund, lands offered at sheriffs', commissioners' or other judicial sale, on any judgment or decree in

Treasurer of State authorized to buy lands sold on judgments in favor of the State.

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favor of the State of Indiana, rendered or hereafter to be rendered on account of any debt due the State or any of its trust funds, of which the Treasurer or Auditor of State have charge.

Officer selling such land to make a deed to the State of Indiana.

SEC. 2. Upon receipt by the Treasurer for amount bid to such officer making such sale, he shall execute, in due form of law, to the State of Indiana, for the use of the proper fund, a deed of conveyance for real estate so sold.

Former sales confirmed.

SEC. 3. All sales heretofore made as herein provided, are hereby confirmed.

Treasurer may sell on time.

SEC. 4. Sales may be made by the Treasurer of State upon time, when he may deem it necessary for the interest of the State, or the particular fund for which the same was purchased; which credit shall not extend beyond three years, and shall draw interest from the date of said sale.

Treasurer authorized to sell such lands at private or public sale.

SEC. 5. The Treasurer of State is hereby empowered to sell lands so purchased by him at private sale for not less than the amount the same was bid in by the State, or at public sale, after giving sixty days' notice of time and place of sale, as required by law, be given by sheriffs on sales upon execution, at not less than the amount bid by him or purchase of same for the State. The notice contemplated in this section shall apply to public sales only.

To make deed to purchaser.

SEC. 6. Upon receipt of the purchase money, he is hereby authorized to execute to the purchaser or purchasers thereof, deeds of conveyance for the same, which shall pass all interest the State may have in said lands to the purchaser or purchasers thereof, his or their heirs or assigns.

Emergency

SEC. 7. As there is now no law in force governing cases herein provided for, it is declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel.

NOTE.—Published March 17, 1857.

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CHAPTER LXV.

AN ACT ceding to the United States of America jurisdiction over certain lands, and their appurtenances, in the city of Indianapolis, and exempting of the same from taxation.

[APPROVED JANUARY 16, 1857.]

WHEREAS, The United States have recently appropriated money for the purchase of a site in the city of Indianapolis, and for the erection of a building thereon to be occupied as a post office and court rooms; AND WHEREAS, it is deemed by this General Assembly highly necessary to the interests of said city, that the said building should be erected; therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That jurisdiction of the lands and their appurtenances that have been or may be purchased in said city for the erection of said building, be and is hereby ceded to the United States of America: *Provided, however*, That all civil and criminal process issued under the authority of said State, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid. Jurisdiction given to the U. States. Proviso.

SEC. 2. That the lands above described, with their appurtenances, and all buildings and other property that may be thereon, shall forever hereafter be exempted from all State, county, and municipal taxation and assessment whatever, so long as the same shall remain the property of the United States of America. Said lands exempt from taxation.

SEC. 3. As it is important that the buildings herein contemplated should be completed at an early day, an emergency is declared to exist; therefore, this act shall take effect and be in force from and after its passage. Emergency.

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CHAPTER LXVI.

AN ACT to providing for the transfer of scholarship in the Indiana University for valuable consideration

[APPROVED MARCH 7, 1857.]

Scholarship by subscription or otherwise made transferable.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all scholarships in the State University issued for or founded upon subscription monies paid by individuals towards the construction of the University buildings, or any of them, or the right to use said scholarships for any session or sessions of the college year in said institution, may be transferred or sold by the holders thereof for a valuable consideration.

CHAPTER LXVII.

A JOINT RESOLUTION declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal.

[APPROVED FEBRUARY 19, 1857.]

General Assembly have no power to purchase Wabash and Erie Canal.

Be it resolved by the General Assembly of the State of Indiana, That the General Assembly of the State of Indiana has no power under the constitution to purchase the Wabash and Erie Canal.

Declared impolitic unwise and injurious to do so.

And be it further resolved by the said General Assembly, That if the General Assembly had the power, it would be impolitic, unwise, and injurious to the best interests of the people of the State to purchase said canal.

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CHAPTER LXVIII.

A JOINT RESOLUTION of the Senate No. one, on the subject of printing the Statues.

[APPROVED MARCH 7, 1857.]

WHEREAS, Much difficulty and confusion arises from the present method of publishing the amended acts, oftentimes leading to mistake in comprehending the law to be amended with the amendment, and in order more fully to distinguish the same, therefore,

Secretary of State required to have amended portion and amendment of acts printed in different type.

Be it resolved by the Senate and House of Representatives, That the Secretary of State be, and he is hereby directed to have the acts of the General Assembly so printed that the act amended and the amendment amendment shall be in different type so as to accomplish the same object.

CHAPTER LXIX.

A JOINT RESOLUTION for the relief of Henry P. Rowan, Swamp Land Treasurer of Pulaski county.

[APPROVED MARCH 7, 1857.]

Whereas. Henry P. Rowan. Swamp Land Treasurer of Pulaski county, deposited certain sums in the Wabash Valley Bank at Logansport.

WHEREAS, Henry P. Rowan, Swamp Land Treasurer of Pulaski county, did at sundry times, and in pursuance to instructions from the State Treasurer, in the year 1854, deposit several sums of money belonging to the swamp land funds of Pulaski county, in the Wabash Valley Bank at Logansport, a portion of which was drawn out of said bank by checks of the Treasurer of State; AND WHEREAS, the said Rowan, treasurer as aforesaid, did on the 29th day of January, 1855, take of the said bank a certificate of deposite for the sum of eight thousand two hundred and thirty-one dollars and thirty-six cents, to the credit of the State; and about the same time, and before that date, paid sundry checks drawn on said bank, amounting to the sum of four thousand six hundred and fifty-seven dollars, by the Treasurer of State; as also a check similarly drawn on the Rochester Bank, at Rochester, for the sum of one

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hundred dollars, all being swamp land funds of Pulaski county, amounting in all to the sum of twelve thousand nine hundred and eighty-eight dollars and thirty-six cents, all done in good faith, and the certificate of deposit, and the several checks referred to now all being in the hands of the Treasurer of State; Therefore,

Attorney General directed to commence suit against bank.

Be it resolved by the General Assembly of the State of Indiana, That the Attorney General of this State, be and he is hereby directed to forthwith institute legal proceedings against the Wabash Valley Bank, if in the opinion of such Attorney General the facts will warrant a successful prosecution said cause, for the recovery of the said sum of eight thousand two hundred and thirty one dollars and thirty six cents, together with interest on the same since the time of deposit; and the Treasurer of State and Auditor are hereby instructed and directed to enter the proper credits, and issue a quietus to the said Henry P. Rowan, for the sum of four thousand six hundred and fifty-seven dollars, the same being the amount paid by the said Rowan upon the checks drawn on account of the swamp land funds of Pulaski county; and the said Treasurer and Auditor are further instructed to enter up the proper credits, and issue a quietus to the said Henry P. Rowan, for the sum of eight thousand two hundred and thirty-one dollars and thirty-six cents, the same being the amount deposited by the said Rowan, under the instruction of the Treasurer of State, on account of swamp land fund of Pulaski county: *Provided*, That nothing in this joint resolution shall be so construed as to authorize the Treasurer and Auditor of State to enter said credit or issue said quietus in favor of said Henry P. Rowan for the said sum of eight thousand two hundred and thirty-one dollars and thirty-six cents, until the same shall be recovered and collected from said bank by suit or otherwise: *Provided, however*, That the State shall not be liable, in any event, for any costs in the prosecution of said claim.

Treasurer of State directed to issue quietus to Henry P. Rowan, for $4,657; also for $8,231

Proviso.

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CHAPTER LXX.

JOINT RESOLUTION on the subject of the tariff on Sugar.

[APPROVED JANUARY 22, 1857.]

WHEREAS, The annual revenue of our National Government is greater than is necessary to meet its expenditures; AND WHEREAS, the article of sugar is one of prime necessity, entering in to the consumption of all classes of community, and the abolition of the duties on which would materially benefit all clases; therefore,

Be it resolved by this General Assembly, That our Senators in Congress be instructed and our Representatives requested to make all proper exertions to procure such a revision of our tariff laws, as to place the article of sugar upon the free list. In relation to tariff on sugar

Resolved, That the Governor be instructed to communicate this joint resolution to our Senators and Representatives in Congress. Governor instructed to communicate this resolution to Senators and Representatives in Congress.

STATE OF INDIANA,
OFFICE OF THE SECRETARY OF STATE, }

I, Daniel McClure, Secretary of the State of Indiana, do hereby certify that I have compared the foregoing printed acts with the enrolled acts now on file in my office, and find them to be correctly printed, the words and parts of words inserted thus [ ] by me, were omitted in the enrollment.

In testimony whereof, I have hereunto set my [L. S.] hand and affixed the seal of the State, at the city of Indianapolis, this, 27th day of June, in the year of our Lord, 1857, and of the State, the 42d.

DANIEL McCLURE,
Secretary of State.

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EXTRACTS

FROM THE

REPORT OF THE AUDITOR OF STATE,

FOR THE YEAR ENDING OCTOBER 31, 1856.

A GENERAL STATEMENT of the Receipts and Expenditures during the fiscal year commencing November 1, 1855, *and ending October* 31, 1856.

RECEIPTS.

There was remaining in the Treasury at the close of the last fiscal year, the sum of		$468,224 15
During the year ending October 31, 1856, the following amounts were received, viz:		
REVENUE.		
On account of revenue of 1855	$544,673 29	
On account of delinquent revenue of 1855	24,856 75	
On account of delinquent revenue of 1854	41,588 70	
On account of delinquent revenue of 1853	273 50	
On account of delinquent revenue of 1852	34 27	
		611,426 51

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SWAMP LANDS.

On account of sales of swamp lands		74,860 89

BENEVOLENT INSTITUTIONS.

On account of Asylum for the Blind	$2,132 08	
On account of Hospital for the Insane	1,686 98	
On account of Deaf and Dumb Asylum	5,022 01	
		8,841 07

BANK TAX FUND.

On account of principal	$3,562 52	
On account of interest on loans	167 07	
		3,729 59

UNIVERSITY FUND.

On account of loans refunded	$5,519 02	
On account of interest on loans	5,053 45	
		$10,572 47

SALINE FUND.

On account of principal	$3,475 40	
On account of interest	867,92	
		4,343 32

SURPLUS REVENUE FUND.

On account of principal	$300 00	
On account of interest	165 94	
On account of excess on sales of lands	79 00	
		544 94

CONGRESSIONAL TOWNSHIP FUND.

On account of interest on loans	45 73

TREASURY FUND.

On account of loans refunded	$384 50	
On account of interest on loans	78 17	
		462 67

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TOWNSHIP LIBRARY FUND.

On account of delinquent tax of 1853.	$1,006 54	
On account of taxes of 1855.....	84,485 35	
On account of delinquent taxes of 1855,	4,771 01	
		90,262 90

STATE DEBT SINKING FUND.

On account of taxes of 1855.....	$46,434 85	
On account of taxes of 1854.....	945 19	
On account of delinquent taxes of 1855,	2,144 72	
On account of delinquent taxes of 1854,	4,008 86	
On account of delinquent taxes of 1853,	27 35	
		53,560 97

COMMON SCHOOL FUND.

On account of delinquent tax of 1854.	$20,453 24	
On account of tax of 1854..... ...	11,806 87	
On account of delinquent tax of 1853.	280 88	
On account of delinquent tax of 1852.	148 08	
On account of tax of 1855.....	286,337 43	
On account of delinquent tax of 1855.	14,898 31	
On account of interest collected by Treasurers.....	53,446 33	
		387,371 14

MISCELLANEOUS.

On account of sales of Revised Statutes.....	$28 70	
On account of estates without heirs...	313 45	
On account of interest on State Bonds.	4,760 13	
On account of sales of lots in Indianapolis.....	444 15	
		5,546 43

WABASH AND ERIE CANAL.

On account of tolls and water rents..	$128,486 50	
On account of lands East and West Tippecanoe.....	19,408 50	
On account of lands in Vincennes District.....	87,760 07	
Miscellaneous.....	150 00	
Interest on Deposites.....	3,087 18	
		238,892 25

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STATE PRISON.

On account of State Prison	5,026 11
Total receipts from November 1, 1855, to October 31, 1856, including balance on hand November 1, 1855	$1,963,711 14

EXPENDITURES.

The amounts audited during the fiscal year ending October 31st, 1856, were as follows, viz:

ORDINARY EXPENDITURES.

On account of Supreme and Circuit Judges	$18,983 87	
On account of Executive Officers, including Attorney General	5,150 75	
On account of Public Printing, Paper and Binding	12,729 91	
On account of Fuel and Stationery	4,772 54	
On account of State House	1,418 66	
On account of Governor's House	784 42	
On account of State Library	947 94	
On account of Militia	317 06	
On account of Governor's Circle	63 00	
On account of State Prison	6,512 84	
On account of distribution of laws, &c	186 25	
On account of Contingent Fund	2,807 61	
On account of Specific Appropriations,	1,070 15	
On account of Prosecuting Attorneys	3,777 68	
		$59,522 68

REVENUE.

On account of revenue of 1853, refunded	$17 58	
On account of revenue of 1854, refunded	365 00	
On account of delinquent revenue of 1854, refunded	190 94	
On account of revenue of 1855, refunded	6,598 80	
On account of delinquent revenue of 1855, refunded	5,742 70	
		12,915 02

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SWAMP LANDS.

On account of payments for drainage, &c.....		117,318 62

BENEVOLENT INSTITUTIONS.

On account of Blind Asylum.....	$25,463 59	
On account of Hospital for Insane....	42,240 04	
On account of Deaf and Dumb Asylum	31,345 28	
		99,048 91

UNIVERSITY FUND.

On account of Professors' Salaries....	$4,700 83	
On account of loans to borrowers.....	4,250 00	
On account of expenses of fund.....	266 83	
		9,217 66

BANK TAX FUND.

On account of expenses of Fund.....		72 71

SALINE FUND.

On account of expenses of Fund.....	$167 14	
On account of interest refunded.....	80 50	
		217 64

TREASURY FUND.

On account of expenses of Fund		11 50

SURPLUS REVENUE FUND.

On account of expenses of Fund		32 26

CONGRESSIONAL TOWNSHIP FUND.

On account of expenses of Fund.....	$10 03	
On account of Fund distributed.....	17 50	
		27 53

TOWNSHIP LIBRARY FUND.

On account of expenses of Libraries ..	$91,460 95	
On account of taxes refunded	33 96	
		91,494 91

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STATE DEBT SINKING FUND.

On account of purchase of stock and exchange	$30,476 32	
On account of taxes refunded	45 94	
		30,522 26

PUBLIC DEBT.

On account of interest and exchange	$3,260 00	
On account of interest on State Debt	316,674 34	
On account of expenses of Agency	3,980 93	
		$323,915 27

COMMON SCHOOL FUND.

On account of distribution of Fund	$331,942 18	
On account of expenses of Fund	1,485 15	
On account of taxes of 1854 and 1855 refunded	350 01	
		333,777 34

MISCELLANEOUS.

On account of Porter's Indiana Reports	$3,773 84	
On account of Interest on University Bonds	3,935 10	
On account of Colonization of Free Blacks	238 00	
On account of miscellaneous items	1,044 80	
On account of expenses of Supreme Court	1,772 00	
On account of Free Banking	2,250 00	
On account of New State Prison	47,343 19	
		60,356 93

WABASH AND ERIE CANAL.

General expenses of Canal	$15,333 61	
Ordinary repairs of Canal	71,551 43	
Extraordinary repairs of Canal	25,183 91	
Re-building bridges	2,890 58	
Cost of superintendence	8,765 72	
Cost of collection	8,521 56	
Construction, Terre Haute to Point Commerce	13,493 43	
Construction, Petersburgh to Evansville	1,325 00	

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Expense of engineering	3,505 21	
Damages and water power	3,896 48	
Expense of Land Office, East and West Tippecanoe	277 87	
Expense of Land Office, Vincennes District	1,313 74	
Interest on W. and E. Canal Bonds	5,240 00	
Interest on advance of $800,000 and exchange	38,826 33	
Bondholders' subscription, first instalment	400 00	
		200,524 87
Whole amount audited from Nov. 1, 1855, to October 31, 1856		$1,338,976 11

STATE OF THE TREASURY.

Balance in the Treasury on the 31st of October, 1855		$468,224 15
Receipts into the Treasury on account of all Funds during the year ending October 31, 1856		1,495,486 99
Total		$1,963,711 14
Amount of warrants drawn on the Treasury on all accounts during the year ending Oct. 31, 1856		1,338,976 11
Balance in the Treasury on the 31st of Oct. 1856		$624,735 03

STATEMENT of the several appropriations, the amounts expended, balances unexpended, and appropriations overdrawn, on the 31st of October, 1856.

EXECUTIVE OFFICERS.

Balance of former appropriation unexpended	$11,152 81	
Appropriation for 1856	8,000 00	
		$19,152 81
Expended during the year		4,150 75
Balance unexpended		$15,002 06

JUDICIARY.

Balance of appropriation unexpended	$7,562 82	
Appropriation for 1856	20,000 00	
		$27,562 82

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Expended during the year		18,983 87
Balance unexpended		$8,578 95

PUBLIC PRINTING.

Appropriation for 1856		$5,000 00
Expended during the year	$12,729 91	
Former appropriation overdrawn	46 87	
		12,776 78
Appropriation overdrawn		$7,776 78

STATE HOUSE.

Appropriation for 1856		$500 00
Expended during the year	$1,418 66	
Former appropriation overdrawn	1,392 45	
		2,811 11
Appropriation overdrawn		$2,311 11

STATE LIBRARY.

Appropriation for 1856		$1,000 00
Expended during the year	$947 94	
Former appropriation overdrawn	501 42	
		1,499 36
Appropriation overdrawn		$449 36

PROSECUTING ATTORNEYS.

Appropriation for 1856		$3,600 00
Expended during the year	$3,777 68	
Former appropriation overdrawn	1,390 14	
		5,167 82
Appropriation overdrawn		$1,567 82

MILITIA.

Former appropriation overdrawn	$117 67
Expended during the year	317 06
Appropriation overdrawn	$434 73

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GOVERNOR'S HOUSE.

Appropriation for 1856		$600 00
Expended during the year	$784 42	
Former appropriation overdrawn	371 00	
		1,155 42
Appropriation overdrawn		$555 42

FUEL AND STATIONERY.

Balance of former appropriation unexpended	$2,173 33	
Appropriation for 1856	4,000 00	
		$6,173 33
Expended during the year		4,772 54
Balance unexpended		$1,400 79

STATE PRISON.

Appropriation for 1856	$5,000 00	
Receipts during the year	5,026 11	
		$11,026 11
Expended during the year	$53,856 03	
Former appropriation overdrawn	2.268 94	
		53,124 97
Appropriation overdrawn		$42,098 86

DISTRIBUTION OF LAWS AND JOURNALS.

Balance of former appropriation unexpended	$666 14
Expended during the year	186 25
Balance unexpended	$479 89

GOVERNOR'S CONTINGENT FUND.

Appropriation for 1856		$3,000 00
Expended during the year	$2,807 61	
Former appropriation overdrawn	1,567 32	
		4,374 93
Appropriation overdrawn		$1,374 93

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EXPENSES SUPREME COURT.

Appropriation for 1856		$1,000 00
Expended during the year		1,772 00
Appropriation overdrawn		$772 00

SUPREME COURT REPORTS.

Appropriation for 1856		$2,000 00
Expended during the year		3,773 84
Appropriation overdrawn		$1,773 84

GOVERNOR'S CIRCLE.

Balance of former appropriation unexpended	$92 06	
Appropriation for 1856	100 00	
		$192 06
Expended during the year		63 00
Balance unexpended		$129 06

MISCELLANEOUS.

Appropriation for 1856		$1,500 00
Expended during the year	$1,044 80	
Former appropriation overdrawn	1,157 41	
		2,202 21
Appropriation overdrawn		$702 21

HOSPITAL FOR THE INSANE.

Appropriation for 1856	$53,000 00	
Former appropriation unexpended	5,248 03	
Receipts of the Institution	1,686 98	
		$59,935 01
Expended during the year		42,240 04
Balance unexpended		$17,694 97

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INSTITUTE FOR THE EDUCATION OF THE BLIND.

Former appropriation unexpended	$11,221 65	
Appropriation for 1856	15,450 00	
Receipts of the Institution	2,132 08	
		$28,803 73
Expended during the year		25,463 59
Balance uuexpended		$3,340 14

DEAF AND DUMB ASYLUM.

Former appropriation unexpended	$2,302 78	
Appropriation for 1856	25,500 00	
Delinquent tax of 1851	3,200 00	
Receipts of the Institution	5,022 01	
		$36,024 79
Expended during the year		31,345 28
Balance unexpended		$4,679 51

UNIVERSITY FUND.

The receipts and disbursements on account of this fund during the fiscal year ending October 31, 1856, were as follows, viz:

Receipts.

Balance on hand Nov. 1, 1855	$977 91
Loans refunded during the year	5,519 02
Interest on loans	5,053 45
	$11,550 38

Disbursements.

Loans made to borrowers of fund	$4,250 00	
Professors' salaries	4,700 83	
Expense of fund	266 83	
		$9,217 66
Balance on hand Nov. 1, 1856		$2,333 72

LOAN ACCOUNT.

Amount outstanding November 1, 1855	$79,015 59

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Loans refunded during the year 1856	5,519 02
	$73,496 57
New loans made during the year	4,250 00
Making the outstanding loans	$77,746 57

SALINE FUND.

Receipts.

Amount on hand November 1, 1855	$6,406 20
Principal received during the year	3,475 40
Interest on loans, &c	867 92
	$10,749 52

Expenditures.

Interest refunded	$80 50	
Expense of Fund	137 14	
Balance on hand Nov. 1, 1856	10,531 88	
		$10,749 52

LOAN ACCOUNT.

Outstanding on loans at close of year ending October 31, 1855	$12,451 72
Refunded during the year ending October 31, 1856	2,762 50
Total outstanding on loan Oct. 31, 1856	$9,689 22

By an act of the General Assembly, approved Jan. 13, 1845, it was provided that all the funds which had arisen, or which might thereafter arise from the sale of saline lands in this State, as well as all funds that had accrued or might accrue under the 15th section of the Bank Charter, should be distributed on the 1st of March of each year, among the several counties of the State, according to the latest return of taxable polls. Under this act the following distribution of the Saline funds was made, viz:

Amount apportioned for 1845	$6,499 07
Amount apportioned for 1846	7,808 54
Amount apportioned for 1847	4,421 71
Amount apportioned for 1848	4,418 83
Amount apportioned for 1849	4,905 14

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Amount apportioned for 1850	6,107 60
Amount apportioned for 1851	3,021 36
Amount apportioned for 1852	1,534 21
Amount apportioned for 1853	6,301 00
	$44,997 46

BANK TAX FUND.

Receipts.

Amount on hand November 1, 1856		$6,950 95
Amount from Banks under 15th section of Charter		3,262 52
Loans refunded		200 00
Interest on loans		167 07
		$10,680 54
Expense of Fund	$72 71	
Balance on hand October 31, 1856	10,607 83	
		10,680 54

By the 15th section of the charter of the State Bank of Indiana, it was provided that a tax of twelve and a half cents should be levied on each share of stock, other than that owned by the State, to constitute a part of a permanent fund to be devoted to purposes of common school education, under the direction of the General Assembly. The whole amount received from the Banks under this provision of the Charter, up to the 31st of October, 1855, was $58,122 13

The amount received from the same source during the year ending October 31, 1856, was as follows, viz:

From Indianapolis Branch Bank	$584 24	
From Richmond Branch Bank	271 88	
From New Albany Branch Bank	217 75	
From Michigan City Branch Bank	157 50	
From Lawrenceburgh Branch Bank	246 87	
From Bedford Branch Bank	129 41	
From Lafayette Branch Bank	538 75	
From Terre Haute Branch Bank	763 50	
From Evansville Branch Bank	183 88	
From Vincennes Branch Bank	147 12	
From Fort Wayne Branch Bank	121 62	
Total receipts for last fiscal year		3,362 52
		$61,484 65

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LOAN ACCOUNT.

Amount outstanding on loans at the close of the fiscal year ending October 31, 1855, was	$6,826 85
Amount refunded during the year 1856	200 00
Total outstanding October 31, 1856	$6,626 85

Bank Tax Fund apportioned under the act of 1845.

Amount apportioned for 1845	$1,749 89
Amount apportioned for 1846	22,344 43
Amount apportioned for 1847	4,071 04
Amount apportioned for 1848	5,818 58
Amount apportioned for 1849	3,815 15
Amount apportioned for 1850	2,876 06
Amount apportioned for 1851	2,251 02
Amount apportioned for 1852	4,602 63
Amount apportioned for 1853	4,174 00
	$51,704 80

No general distribution, according to the act of 1845, has been made, either of the Saline Fund or Bank Tax Fund, since 1853. In 1854 a distribution was made of the surplus then on hand of both funds, to the counties of Benton, Howard, Jasper, Pulaski, Starke, Tipton and Whitley, those counties having received no part of the Surplus Revenue. There is now on hand for distribution, as will be seen by the foregoing statements, of the Saline Fund, $10,531 88, and of the Bank Tax Fund, $10,607 83.

COUNTY SEMINARY FUND DERIVED FROM MILITIA FINES.

Amount on hand October 31, 1856	$445 00

SURPLUS REVENUE FUND.

Receipts.

Balance on hand Oct. 31, 1855	$1,087 15
Loans refunded during the year	300 00
Interest on loans	165 94
Excess of sales of lands	79 00
	$1,632 09

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Expenditures.

Expense of fund	$32 26	
Balance on hand Oct. 31, 1856	1,599 83	
		$1,632 09

LOAN ACCOUNT.

Amount of loans outstanding October 31, 1855	$2,574 65
Loans refunded during the year	300 00
Balance outstanding	$2,274 65

This fund belongs to the counties of Lake, Dekalb and Wells, in equal proportions. At the time of the distribution of the Surplus Revenue Fund allotted to the State of Indiana under the act of Congress, approved June 23, 1836, the counties above named did not draw the amounts to which they were entitled; and the fund thus left in the Treasury belonging to them, was loaned out by the Treasurer of State, in conformity with the provisions of the 17th section of the act of February 6, 1837, providing for the distribution of the Surplus Revenue. The amount originally belonging to those counties was $6,376 80, or $2,125 60, each, which, as above stated, was loaned by the Treasurer and the interest paid over to the counties when called for. An act passed January 24, 1842, requiring the Treasurer of State to collect the fund and pay it over to the Surplus Revenue Agents of the counties to which it belonged, and since that time no loan has been made, but the principal and interest received have been annually distributed. On the 31st of October, 1855, there was due to each county the sum of $362 38. The net receipts of this fund, during the last fiscal year, were $512 68, giving to each county the additional sum of $170 89. There is, therefore, now due to each of the counties of Lake, Wells and DeKalb, the sum of $533 28.

CONGRESSIONAL TOWNSHIP FUND.

Receipts.

Balance on hand October 31, 1855	$176 65
Interest on loans	45 73
	$222 38

Expenditures.

Expense of Fund	$10 03
Distributed to Greene county	17 50

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Balance on hand	194 85	
		$222 38

This fund belongs to two townships, one in Ripley and the other in Greene county.

THREE PER CENT. FUND.

Balance in the Treasury October 31, 1854 ..... $32 13

The account with the General Government on account of this fund still remains unsettled.

COMMON SCHOOL FUND DERIVED FROM SINKING FUND.

Amount received of this fund to Oct. 31, 1853 .... $780,886 66

Since the above date nothing has been paid over from the Sinking Fund Commissioners to the State. The foregoing amount is due from the State to the Common School Fund. The sum stated was on account of profits of the Sinking Fund, which, by the charter, is set apart as a permanent fund for Common School education, under the direction of the General Assembly. The above amount reported to be in the Treasury, except the sum of $27,061 51, was received in Bank Scrip, issued by the State under an act passed January 31, 1842, to pay the bank for advances made to carry on the internal improvements at that time in progress in the State.

INDIANAPOLIS FUND.

Amount outstanding on loan $483 30

TREASURY FUND.

Receipts.

Balance on hand October 31, 1855	$4,591 23
Loans refunded	384 50
Interest on loans	78 17
	$5,053 90

Expenditures.

Expense of Fund	$11 50	
Balance on hand Oct. 31, 1856	5,042 40	
		$5,053 90

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FUND FROM ESTATES WITHOUT KNOWN HEIRS.

Balance in the Treasury October 31, 1855	$3,859 10
Amount received during the year	313 45
Amount on hand October 31, 1856	$4,172 55

HOSPITAL FOR THE INSANE.

Receipts.

Balance on hand Oct. 31, 1855	$5,248 03
Amount received during the year	1,686 98
Appropriation for 1856	53,000 00
	$59,935 01

Disbursements.

Current expenses and Hospital buildings	$42,240 04	
Balance due Oct. 31, 1856	17,694 97	
		$59,935 01

DEAF AND DUMB ASYLUM.

Receipts.

Balance due Oct. 31, 1855	$2,302 78
Receipts during the year	5,022 01
Appropriations for 1856	29,700 00
	$37,024 79

Disbursements.

Expenses during the year	$31,345 28	
Balance due Oct. 31, 1856	5,679 51	
		$37,024 79

In addition, the Superintendent claims a balance of $3,200, being on account of a specific tax some years ago, for which the Institution has not been credited.

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BLIND ASYLUM.

Receipts.

Balance due, October 31, 1855	$11,221 67
Receipts during the year	2,132 08
Appropriation for 1856	15,450 00
	$28,803 65

Disbursements.

Expenses during the year	$25,463 59	
Balance due, Oct. 31, 1856	3,340 06	
		$28,803 65

HIRAM E. TALBOTT,
Auditor of State.

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LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

CALLED SESSION

OF THE

GENERAL ASSEMBLY.

BEGUN ON THE 20TH DAY OF NOVEMBER, A. D., 1858.

BY AUTHORITY.

INDIANAPOLIS:
JOSEPH J. BINGHAM, STATE PRINTER.
1858.

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LAWS.

CHAPTER I.

AN ACT legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the Clerks of the Circuit and Common Pleas Courts of this State after the reception of the Revised Statutes of 1852 in their respective counties.

[APPROVED DECEMBER 21, 1858.]

Preamble.

WHEREAS, Some of the Clerks of the Circuit Courts of this State, immediately after the reception in their respective counties of the Revised Statutes of 1852, under the belief that said Revised Statutes were in force in each county from the date of their reception in such county, took and certified the acknowledgment of divers deeds, mortgages and other instruments required by law to be recorded; therefore,

Acknowledgments of deeds, &c., taken by Clerks after the receipt, but previous to the taking effect of the Revised Statutes, made valid.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acknowledgment of all deeds of conveyance, mortgages, and other instruments which are required by law to be recorded, taken and certified by any Clerk of any Circuit Court or Court of Common Pleas of this State at any time after the reception of the Revised Statutes of 1852 in his office, be and the same are hereby legalized; and all such acknowledgments are hereby declared to be as valid and effectual, to all intents and purposes, as if said acknowledgments had been taken and certified after the distribution of the said Revised Statutes in the several counties of this State. And the record of all such deeds, mortgages and other instruments shall in all respects be used and treated as though such acknowledgments had been properly taken.

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CHAPTER II.

AN ACT to provide for the appraisement of real estate, and prescribing the duties of Officers in relation thereto.

[APPROVED DECEMBER 21, 1858.]

Board of Commissioners to appoint appraiser of real estate in each county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of County Commissioners of each county within this State shall, at their first term after the passage and publication of this Act, or at a special session to be immediately called, appoint some suitable person, resident in such county, as appraiser of the real estate of such county, and if a vacancy shall at any time happen in the office of appraiser as aforesaid, for any cause whatever, before the duties required of such appraiser shall be fully completed, then, and in that case, the County Auditor shall fill such vacancy, and the said appraiser so appointed, shall hold his office until the completion and return of his appraisement: *Provided*, That nothing in this section shall prevent the Board of Commissioners of any county from appointing a deputy or deputies to the appraiser, in case of sickness, want of time, or other disability to discharge the duties of his office in the time and manner required by law.

Vacancy to be filled by appointment by the Co. Auditor. Proviso.

Deputies.

Appraiser to be elected at annual Oct. election, 1863, and every 5 years afterwards. To enter duties Jan. 1.

SEC. 2. At the annual election of October, A. D., one thousand eight hundred and sixty-three, and every five years thereafter, an appraiser shall be elected by the people thereof, who shall, after the first day of January thereafter, proceed to discharge the duties required by this act.

Appraiser's oath to be filed in Auditor's office.

SEC. 3. That the appraiser or appraisers so appointed or elected, shall, previous to entering on the duties of his office, take and subscribe an oath or affirmation, to be endorsed on the certificate of his appointment, that he will faithfully, impartially, and to the best of his skill and ability, appraise all lands and town lots situate in his county, upon actual view, at their true cash value, which certificate, so endorsed, shall be filed with the County Auditor.

Failing to qualify in 10 days, Auditor to appoint to vacancy.

SEC. 4. If any person appointed or elected appraiser as aforesaid shall not, within ten days after his appointment, take and subscribe the oath or affirmation required by the preceding section, the said office shall be considered vacant, and the Auditor shall at once fill such vacancy by appointment, and the person appointed to fill the vacancy shall take the oath of office as required in the preceding section.

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Auditor to make out list of lands by civil townships —also, plats.

SEC. 5. That the county auditor of each county shall immediately make out by civil townships, lists of all lands and town lots entered on the duplicate of the preceding and present year, noting thereon all transfers which may have been made subsequent to the making out of such duplicate, and shall also enter thereon all new entries and other lands and town lots lying within his county, which may come to his knowledge, and not previously entered for taxation, which shall be delivered to the appraiser from time to time, as the same are completed, on application, and said Auditor is hereby required to furnish the necessary lists and blanks for the said appraiser. And said Auditor shall also prepare a plat of each civil township in his county, divided into sections and quarter sections, and deliver the same to the appraiser with said lists, and it shall be the duty of said appraiser to designate the lands of each on such plat.

Appraiser within ten days to list all real estate in county.

SEC. 6. That it shall be the duty of the appraisers appointed in pursuance of this act, within ten days after their appointment, to proceed to list and appraise all the real estate in his county, subject by law to taxation, as follows, to-wit:

1st. Lands, their value, improvements, facilities, &c.

First. The said appraiser shall, upon actual view, make a true valuation of all lands, together with the improvements and buildings thereon, or affixed thereto, at their full value in money, as he would appraise the same in payment of a just debt due from a solvent debtor, taking into consideration the fertility and quality of the soil, the vicinity of the same to railroads, macadamized roads, clay roads, turnpike roads, plank roads, State and county roads, cities, towns, villages, navigable rivers, water privileges on the same, or in the vicinity of the same, the location of the route of any canal or canals, with any other local advantages of situation: *Provided*, That said appraiser shall also value all lands at their cash value, without taking into consideration any improvement that may be made thereon, and this valuation, as well as the valuation with improvements, shall be set down in proper columns provided for that purpose.

2d. Town lots & property held by corporations and companies, except W. and E. Canal.

Second. In-lots and out-lots in all towns, cities and villages, with the improvements thereon, or affixed thereto, shall be valued at their true and full value in money, taking into consideration all the local advantages of situation. The said appraiser shall also, on actual view, make a true valuation of all lands used or held by railroad companies for road bed, depot or station grounds, gravel pits, switches and side tracks, and all railroad tracks, depot buildings, and other superstructures thereon, according to the same rule herein prescribed for ascertaining the value of other real

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property, and he shall in the same manner make a true valuation of all macadamized roads, plank roads, turnpike roads and canals, other than the Wabash and Erie Canal; and also all toll-bridges belonging to private persons or private corporations, to be valued upon actual view of the premises.

Appraiser to call on each person for list of lands; lots and description thereof.

SEC. 7. The appraiser shall call upon each and every person resident in his county for a list of all lands and town in-lots and out-lots, owned by such person or persons lying within his county, which may be subject to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres of land in each particular tract, lot, section or sub-division thereof; the range, township, section, quarter section, tract, lot, or part thereof; or the number of the entry, location or survey, and water-course, as the nature of the general or particular survey may require; and if the same cannot be described by the congressional survey, then it shall be described by metes and bounds, so as to designate and identify the same; and in the French and English grants, or Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of this Act, the number of the entry, water-course, and the name of the original proprietor: also, all in-lots and out-lots, owned or held as aforesaid, with the number thereof, as described in the recorded plat of said town, or part thereof, if it has been sub-divided, which statement shall be made out by the person assessed, or by the appraiser, from information given by such person, and shall be signed by the person making it.

When owners are absent or unknown.

SEC. 8. If the owner or owners of any property required to be listed and appraised by the preceding section of this Act shall be absent or unable to give in a list thereof, when called upon by the appraiser, or if the owner or owners thereof shall not reside within the county, or shall fail or refuse to deliver to such appraiser a list of his, her or their real estate as aforesaid, it shall be the duty of such appraiser to make a list thereof, according to the best information he can obtain, subject to the provisions of the ninth section of this act, in the name of the owner, if known, or in the name of the person to whom the same is now listed; but if it be not listed, and the owner's name be unknown, then it shall be noted that the owner is unknown, in the column of names, and to enable him so to do, he is hereby

Authorized in certain cases to administer oaths.

authorized to examine, on oath or affirmation, any person whom he may suppose to have knowledge of the amount

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and value of all lands which such person refused to list as required.

Rules for ascertaining quantity of land.

SEC. 9. The appraiser, in ascertaining or determining the quantity of land in the several tracts within his county, shall be governed by the following rules: Whenever the owner or person in whose name it is listed, shall hold, by virtue of a deed from another party, or from the State of Indiana, or by patent from the United States for Congress land, such deed or patent, if the quantity be therein stated, shall be taken and received as the evidence of the quantity in the tract described; but if such land shall have been surveyed subsequent to the survey made by the United States, and it shall be proven to the satisfaction of the appraiser that any such tracts of land contain a greater or less quantity than is described in the patent or deed under which such lands are held, then the appraiser shall charge the owner with the true quantity as ascertained by such subsequent survey. If the owner, or person in whose name any lands are listed within the French or Clark's grant, shall hold under an original entry or survey, with or without the patent thereon, it shall be the duty of the appraiser to require the said owners or holders to cause the same to be surveyed by the county surveyor, or some other competent person, and to return the quantity under the certificate of such surveyor, attested by oath or affirmation, within thirty days after said owners or holders shall have been called upon to list their lands for taxation, and if any such owner or holder shall refuse or neglect to survey and list his lands as herein provided, or if he, she, or they be non-residents of the county, then it shall be the duty of the appraiser to cause such lands to be surveyed and returned to himself; the expense of which survey shall be reported to the County Auditor and paid out of the county treasury, and be by the Auditor of the county assessed against such lands and collected in the same manner as taxes are collected thereon: *Provided*, That if any owner or holder of lands has had the same previously surveyed, and shall produce to the appraiser a certificate of survey other than that under the original entry of said lands, such survey shall be taken by such appraiser; or if the appraiser shall be satisfied, from other competent evidence adduced to him, under oath or affirmation, that the quantity returned is correct, and that no surplus exists in the original survey, he shall enter and return the same without further survey for taxation: *Provided*, That there shall be deducted from the lands owned by any person, as shown by such deed or survey, the

When by patent.

By subsequent survey.

When of the French or Clark's grant.

When to be estimated by appraiser.

Proviso. Lands occupied by railroads, &c., to be deducted.

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amount of the same occupied by any railroad, canal or public highway.

Appraiser to note lands without improvements.

SEC. 10. The appraiser shall complete his list, taken as before provided, placing on the same opposite to each tract of land listed; and if a town lot, or part of a lot, the value without improvements; and also, in another column opposite, the value of the improvements erected thereon or affixed thereto; and opposite to each town lot or part of a lot, the value without improvement, and the value of improvements erected thereon or affixed thereto.

Improvements.

To give owner notice of quantity value, &c., and also when and where the Board of Equalization sits.

SEC. 11. The appraiser shall, at the time of making the appraisement and taking the list required by the preceding section of this act, inform the owner or owners, his, her or their agent or representative, if residing within the county, or shall leave a memorandum, containing a description and value of each tract, lot or parcel of land, at his, her or their place of residence, containing the amount at which his, her or their real estate has been appraised respectively, and of the time when the Board of Equalization for the county will meet for the purpose of hearing and determining grievances and to equalize taxes within the same.

To enter and examine buildings with consent of owner.

SEC. 12. For the purpose of enabling the appraiser to determine the value of buildings and other improvements, he is hereby required to enter, with the consent of the owner or occupant thereof, and fully examine all buildings and structures of whatever kind, which are not by the laws of the State expressly exempted from taxation.

To return to Co Auditor lists and tables.

SEC. 13. Each appraiser shall on or before the fourth Monday of May next, after his appointment or election, make out and deliver to the Auditor of his county a return, by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain,

Of names and owners, &c., of lands.

First. The names, arranged in alphabetical order, of the several persons, companies or corporations in whose name the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name the description of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property, as determined by the appraiser from actual view.

Of town property.

Second. The names, arranged in alphabetical order, of the several persons, companies or corporations in whose names the several parcels of real property in any town or towns in his county shall have been listed, and in the ap-

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propriate columns opposite each name the description of each parcel of real property in each town in his county, and the value thereof, as determined by the appraiser, as above specified, and such return shall distinctly set forth the name or names of the owner or owners of each separate parcel of real property, if known; and if unknown that fact shall be set forth. Also, a correct and pertinent description of each separate parcel of land or real property: if a town lot, or part thereof, the name of the town, the number or other designation of the lot, and if a part of such lot, then the proportion and situation thereof, and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than a town lot, or a parcel thereof, the number of acres, the range of townships, the number of townships, the number of sections, tract, lot or subdivision of either, as the case may require. If such land be situated in the French or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof contained in each separate parcel so listed; and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts or surveys, then the statement shall set forth, as nearly as may be, the number of acres taken from each section, lot, tract or survey included in each parcel.

The French and Clark's grant to be set forth by original survey.

SEC. 14. Each appraiser and deputy appraiser shall take and subscribe an oath, which shall be certified by the magistrate or other officer administering the same, and attached to the return he is required to make to the County Auditor in the following form:

Appraiser and deputy to take oath.

I, ————, appraiser of the county of ———, in the State of Indiana, do solemnly swear that the return to which this is attached contains a correct description of each parcel of real property within said county, as far as I have been able to ascertain the same; that the value attached to each parcel of said return is, as I verily believe, the full and true cash value thereof, estimated agreeably to the rules prescribed by law; that in no case have I knowingly omitted to demand a statement of the description and value of all the real estate which I am required by law to list, or in any way connived at any violation or evasion of any of the requirements of the law in relation to the listing and valuing real estate, which abstract shall be kept at the office of the County Auditor, for the inspection of any owner of property contained on such abstract; and it shall be the duty of the County Auditor to give two weeks public notice, by advertisement in a newspaper, if one be published in the

Form of oath.

To be filed in Auditor's office

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Auditor to give public notice of time and place of sitting of the Board of Equalization.

county, or, if no newspaper be printed in the county, by advertisement set up at the door of the Court-house and at some public place in each township, of the time and place when and where the Board of Equalization of such county will meet for the purpose of hearing and determining grievances and to equalize appraisements thereon.

Compensation of appraisers and deputies to be $2 per day. Accounts to be sworn to.

SEC. 15. The appraiser and deputy appraiser shall each be allowed, for the time they may necessarily be employed in the performance of their duties, two dollars per day, which allowance shall be paid out of the county treasury. The said appraisers shall make out their accounts in detail, giving the date of each day which they shall have been employed, which account they shall verify under oath, and the Board doing county business, if they shall find such statement to be correct, shall allow the same; but in no case shall the same be allowed until the appraiser shall have filed his list of appraisements, with the statements returned to him, the maps and books in which the original assessments were entered, with the Auditor—the list to be accurately made out and added up, with a recapitulation of the whole by civil townships.

Appraisers to make out and swear to their accounts each week.

SEC. 16. Each appraiser and deputy appraiser shall, at the end of each week in which he shall have been engaged in the performance of any of the duties required of him by law, enter an account in writing of the number of days or parts of days he may have been so engaged during the week, at some stated meeting of the Board doing county business, shall present such original account to said Board, and shall testify under oath or affirmation to the accuracy of such statement, and shall answer such questions respecting the same as may be put to him by the Board.

When guilty of misdemeanor.

SEC. 17. If any appraiser shall, by himself or deputy, or deputies, be guilty of any neglect of duty which, by any law now in force or which may hereafter be enacted, it is made his duty to perform, the Board doing county business may make such deduction from his account for services rendered as they may deem just and reasonable, and he shall moreover be deemed guilty of a misdemeanor, and fined in

Penalty for same.

any sum not less than five nor more than five hundred dollars, in the discretion of the court or jury trying the same.

Shall enter those who "refused to furnish a list."

SEC. 18. The appraiser shall enter, in a column provided for that purpose, opposite the name of every person, company or corporation required to list his real estate, and who has refused to furnish the list required, these words: "Refused to furnish a list"—and he is hereby required to notify such person so refusing, the penalty to be attached.

25 per cent. to be

SEC. 19. The several County Auditors, in making out

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the duplicate of real estate, shall add *twenty-five* per cent. to the value of all real estate of every person, company and corporation opposite whose name the appraiser shall have noted in his return the words "refused to furnish a list," and the taxes assessed thereon shall be collected by the County Treasurer for the benefit of the county, as other taxes are collected by him, unless otherwise ordered by the Board of County Commissioners.

added on to those who "refuse to furnish a list."

SEC. 20. Each appraiser shall, at the time he is required by this act to make return of the taxable real property to the County Auditor, also deliver to him all the statements of property which he shall have received from persons required to list real estate, the same arranged in alphabetical order by civil townships, and said Auditor shall carefully file and preserve the same in his office.

Lists to be filed in Auditor's office.

SEC. 21. If any County Auditor, upon receiving the returns made by any appraiser, shall be satisfied that he has omitted any parcel of lands, town lot, or part of either, within the county which it was his duty to return, such Auditor may require such appraiser to correct such omission, and the appraiser shall, within ten days, correct all such omissions and make return thereof to such Auditor, and the correction shall be made upon the list of appraisements; but nothing herein contained shall authorize any appraiser to reduce the amount assessed against any in his former returns.

Auditor may require appraiser to correct omissions, but not to reduce the amount.

SEC. 22. Each County Auditor shall, from time to time, as he may discover any errors in the description or quantity of any land, town lots, or parts of either, correct the same upon the list of real property of his county.

Auditor to correct errors in lists.

SEC. 23. Each County Auditor shall immediately procure, at the expense of the county, a sufficient number of the blank lists, forms and instructions required by this act, or by the Auditor of State, and deliver the same to the appraiser. And the Auditor of State shall, immediately after the passage of this act, prepare and transmit to the several County Auditors all such forms and instructions as shall be necessary to carry into effect the provisions of this act.

County to furnish appraisers' blanks, &c. Auditor of State to furnish same to County Auditors.

SEC. 24. The appraisement of the real estate made in pursuance of the provisions of this act shall constitute the basis upon which the taxes within the State shall be assessed for the ensuing five years and until a re-appraisement shall have been made, as provided in this act; and all laws or parts of laws that contravene any of the provisions of this act are hereby repealed, and especially so much of sections 32, 33, 34 and 35 of "An act to provide for valuation and assessment of the real and personal property, and the col-

First appraisement to be basis of taxes for five years.

Certain laws repealed.

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lection of taxes in the State of Indiana; for the election of township assessors; and prescribing the duties of assessors, appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State," approved June 21st, 1852, as are inconsistent with the provisions of this act.

Emergency.

SEC. 25. Inasmuch as by the provisions of this act the officers therein named are required to enter upon the discharge of their duties before the acts of this session can be published, an emergency exists for the immediate taking effect of this act, therefore this act shall be in force from and after its passage and publication in the *Indiana Journal* and *Indiana State Sentinel*, and the Auditor of State shall forward a copy of this act to each County Auditor as soon as the same is published.

NOTE.—Published in Indiana Journal and Indiana State Sentinel Dec. 25, 1858.

CHAPTER III.

AN ACT making specific appropriations for the year 1858.

[APPROVED DECEMBER 24, 1858.]

Principal and assistant clerks and secretaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretaries of the Senate, and the principal and assistant clerks of the House of Representatives, shall each be allowed the sum of four dollars per day for every day they may have served as such during the present session of the General Assembly; and that such assistants as may have been necessarily employed by the secretaries and clerks aforesaid be allowed the sum of four dollars each per day for every day so employed, to be ascertained and certified by the said secretaries of the Senate and clerks of the House of Representatives respectively.

Principal doorkeepers.

SEC. 2. That the principal doorkeepers of the Senate and House of Representatives be each allowed the sum of three dollars per day for every day they may have served as such during the present session of the General Assembly.

Assistant doorkeepers.

SEC. 3. That the assistant doorkeepers of the Senate and House of Representatives be each allowed the sum of three dollars per day for each day so employed. The number of days which the assistant door-keepers have

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served shall be certified by the principal doorkeeper of their respective Houses.

Clerks of committees.

SEC. 4. Clerks of committees shall be allowed three dollars per day, to be certified by the chairmen of the respective committees.

Secretary of Senate for superintending printing of Journal.

SEC. 5. That the principal secretary of the Senate, for superintending the printing and reading proof of the Senate Journal, and preparing an index for the same, shall be allowed the sum of four dollars per day for the time necessarily employed.

Clerk of House for superintending printing of Journal.

SEC. 6. That the principal clerk of the House of Representatives, for superintending the printing and reading proofs of the House Journal, and preparing an index for the same, be allowed the sum of four dollars per day for the time necessarily employed, not exceeding twelve days.

Messengers and pages.

SEC. 7. That the messengers and pages employed in the Senate and House of Representatives be each allowed the sum of two dollars per day for every day they may have served as such during the present session, to be certified by the principal doorkeepers of the respective Houses.

Patrick Powers.

SEC. 8. That Patrick Powers, for sawing wood and making kindling during the present session, be allowed the sum of two dollars per day for each day he has been so employed.

ames Griffin.

SEC. 9. That James Griffin, for sawing wood for the use of the General Assembly during the present session, be allowed the sum of two dollars per day for each day he has been so employed.

Wright, Blake & Co.

SEC. 10. That Wright, Blake & Co. be allowed the sum of twelve dollars for ribbon furnished the late State librarian, as per bill on file.

C. Zimmerman

SEC. 11. That C. Zimmerman be allowed six dollars and fifty cents for repairing the roof of the House, as per bill on file.

Indianapolis Journal Co.

SEC. 12. That the Indianapolis Journal Co. be allowed the sum of three hundred and nineteen dollars for their Daily Journal, furnished the House of Representatives at this session.

Indianapolis Sentinel Co.

SEC. 13. That the Indianapolis Sentinel Co. be allowed the sum of three hundred and nineteen dollars for the Daily Sentinel, furnished the House of Representatives at the present session.

Richard Hennigen (Free Press).

SEC. 14. That Richard Hennigen be allowed the sum of fifty-eight dollars for the Weekly Indiana Free Press,

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furnished the House of Representatives at its present session.

Julius Boetticher (Volksblatt).

SEC. 15. That Julius Boetticher be allowed the sum of fifty-eight dollars for the Weekly Volksblatt, furnished the House of Representatives at the present session.

T. A. Goodwin (American).

SEC. 16. That T. A. Goodwin be allowed the sum of forty dollars for the Indiana American, furnished the House of Representatives at the present session.

Sentinel Co., for Legislative Sentinel.

SEC. 17. That the Indiana Sentinel Co. be allowed the sum of one hundred dollars for two hundred copies of the Legislative Sentinel, furnished the House of Representatives at its present session.

Robert Boston.

SEC. 18. That Robert Boston be allowed the sum of three dollars per day for four days' services as assistant doorkeeper, in organizing the House.

John Bledsoe.

SEC. 19. That John Bledsoe be allowed the sum of twelve dollars for services as assistant doorkeeper at the last session of the Indiana House of Representatives.

T. A. Goodwin.

SEC. 20. That T. A. Goodwin be allowed the sum of eighteen dollars for next week's Weekly Indiana American, and for postage, to be mailed to members of the House of Representatives.

Jas. R. Bracken.

SEC. 21. That James R. Bracken be allowed the sum of four dollars per day for two days' services as clerk, in organizing the Legislature.

Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennett, Cooper and Gooding.

SEC. 22. That Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennet, Wagner, Cooper and Gooding, Committee on State Prison, be allowed each the sum of sixteen dollars and fifty cents for expenses in visiting said Prison.

Augustus Haltzman.

SEC. 23. That Augustus Haltzman be allowed the sum of twenty-four dollars for six days' services as an assistant doorkeeper at the session of 1857.

Jeremiah Shea.

SEC. 24. That Jeremiah Shea be allowed the sum of thirty-six dollars for carrying the mail of both Houses during the present session.

Cameron & McNeely.

SEC. 25. That Cameron & McNeeley be allowed the sum of one hundred and six dollars and twenty-five cents for papers furnished the Senate.

Messrs. Heffren, March, Wilson, Gooding and Bobbs.

SEC. 26. That Hons. Horace Heffren, Walter March, James E. Wilson, David R. Gooding and John S. Bobbs be each allowed four dollars per day for the period of thirty days each as a Select Committee on Bank Frauds of the last session, sitting during vacation.

A. B. Willard & Co.

SEC. 27. That A. B. Willard & Co. be allowed the

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sum of three dollars for articles furnished for the use of the Senate.

SEC. 28. That Merrill & Co. be allowed the sum of eight dollars for stationery furnished for the use of the Senate. Merrill & Co.

SEC. 29. That B. F. Tuttle be allowed the sum of sixty cents for articles for the use of the Senate. B. F. Tuttle.

SEC. 30. That George H. Johnson be allowed the sum of four dollars and sixty cents for articles furnished for the use of the Senate. Geo. H. Johnson.

SEC. 31. That Robert Browning be allowed the sum of fifty cents for articles furnished for the use of the Senate. Robt Browning.

SEC. 32. That John Ott be allowed the sum of fourteen dollars for chairs for the use of the Senate. John Ott.

SEC. 33. That J. & J. Bradshaw be allowed the sum of four dollars and fifty-five cents for articles for the use of the Senate. J. & J. Bradshaw.

SEC. 34. That Kline G. Shryock be allowed mileage and per diem of a member for fifteen days. Kline G. Shryock.

SEC. 35. That the Indianapolis Journal Co. be allowed the sum of two hundred and eighty-eight dollars for papers furnished the Senate. Indianapolis Journal Co.

SEC. 36. That the Indiana Sentinel Co. be allowed the sum of three hundred and eighty-eight dollars for Daily Sentinel and Legislative Sentinel furnished the Senate. Indiana Sentinel Co.

SEC. 37. That T. A. Goodwin be allowed the sum of forty-nine dollars and fifty cents for the Indiana American furnished the Senate. T. A. Goodwin.

SEC. 38. That E. J. Baldwin & Co. be allowed the sum of four dollars for thermometers furnished the Senate. E. J. Baldwin & Co.

SEC. 39. That Julius Boetticher be allowed the sum of thirty-three dollars for the Weekly Volksblatt furnished the Senate. Julius Boetticher.

SEC. 40. That ——— Hennigen be allowed the sum of thirty-three dollars for the Weekly Free Press furnished the Senate. — Hennigen.

SEC. 41. That John Coburn, John Coburn.

For three days' attendance.....		6 00
John Hunt,		John Hunt.
For 134 miles travel.....	6 70	
Three days' attendance.....	6 00	
	———	12 70

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J. P. C. Shanks. John P. C. Shanks,
For 180 miles travel..... 9 00
Three days' attendance..... 6 00
15 00

M. G. Bright. Michael G. Bright,
For 172 miles travel..... 8 60
Three days' attendance..... 6 00
14 60

D. M. Dunn. D. M. Dunn,
For 140 miles travel..... 7 00
Three days' attendance..... 6 00
13 00

S. H. Buskirk. S. H. Buskirk,
For one day's attendance..... 2 00

E. D. Taylor. E. D. Taylor,
For one day's attendance..... 2 00

J. S. Harvey. J. S. Harvey,
For one day's attendance..... 2 00

Samuel Judah. Samuel Judah,
For 272 miles travel..... 13 60
For three days' attendance..... 6 00
19 60

Jacob R. Hall. Jacob R. Hall,
For 320 miles travel..... 16 00
For three days' attendance..... 6 00
22 00

Amiza L. Wheeler. Amiza L. Wheeler,
For two days' attendance..... 4 00

J. W. Hervey. J. W. Hervey,
For 30 miles travel..... 1 50
For one day's attendance..... 2 00
3 50

Samuel Burson. Samuel Burson,
For one day's attendance..... 2 00

P. A Hackleman. P. A Hackleman,
For 92 miles travel..... 4 60
For three days' attendance..... 6 00
10 60

John L. Robinson. John L. Robinson,
For 92 miles travel..... 4 60
For one day's attendance..... 2 00
6 60

Thos. J. Harris. Thomas J. Harris,
For 400 miles travel..... 20 00
For five days' attendance..... 10 00
30 00

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John M. Cord,				John M. Cord.
For 280 miles travel.....	14	00		
Three days' attendance.....	6	00		
W. W. Williams,			20 00	W. W. Williams.
For 72 miles travel.....	3	60		
Two days' attendance.....	4	00		
			7 60	
John Foster,				John Foster.
For one day's attendance.....			2 00	
James F. Suit,				James F. Suit.
For one day's attendance.....			2 00	
George W. Haryman,				George W. Haryman.
For 200 miles traveled,.....	10	00		
Three days' attendance.....	6	00		
			16 00	
John F. Sims,				John F. Sims.
For 56 miles travel, ...	2	80		
Two days' attendance.....	4	00		
			6 80	
James S. Wood,				James S. Wood
For 300 miles travel.....	15	00		
Three days' attendance.....	6	00		
			21 00	
Isaac Vandeventer,				Isaac Vandeventer.
One day's attendance,.....			2 00	
A. S. Griggs,				A. S. Griggs.
For 92 miles travel,.....	4	60		
Three days' attendauce,.....	6	00		
			10 60	
James McMurry,				James McMurry
For 80 miles travel,.....	4	00		
Three days' attendance,.	6	00		
			10 00	
Austin H. Brown,				A. H. Brown.
For one day's attendance,.....			2 00	
A. F. Morrison,				A. F. Morrison
For two days' attendance,.....			4 00	
James F. Parker,				James F. Parker.
For 186 miles travel,.....	9	30		
Four days' attendance,.....	8	00		
			17 30	
A. P. Willard,				A. P. Willard.
For one day's attendance.....			2 00	
Calvin Fletcher,				Calvin Fletcher
For two days' attendance,.....			4 00	

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Wm. S. Dennis. Wm. S. Dennis,
For 136 miles travel,..... 6 80
Three days' attendance,..... 6 00
12 80

Thos. Dowling. Thomas Dowling,
For 140 miles travel,..... 7 00
Three days' attendance,..... 6 00
13 00

G. L. Jeroloam. George L. Jeroloam,
For one day's attendance,..... 2 00

W. H. Talbott. W. H. Talbott,
For two days' attendance,..... 4 00

John S. Spann. John S. Spann,
For one day's attendance, ... 2 00

James P. Drake. James P. Drake,
For one day's attendance, ... 2 00

James H. Weir. James H. Weir,
For 240 miles travel,..... 12 00
Three days' attendance,..... 6 00
18 00

Chas. H. Test. Charles H. Test,
For one day's attendance,..... 2 00

T. L. Smith. Thomas L. Smith,
For one day's attendance,..... 2 00

John Hunt. John Hunt, of Madison,
For 68 miles travel,..... 3 40
Two days' attendance,..... 4 00
7 40

William Petty. William Petty,
For one day's attendance,..... 2 00

S. H. Patterson. Samuel H. Patterson,
For 216 miles travel,..... 10 80
Five days' attendance,..... .... 10 00
20 80

W. Baker. W. Baker,
For 390 miles travel,..... 19 50
Four days' attendance,. 8 00
27 50

John M. Pound. To John M. Pound, sheriff of Clark county, the sum of fifty cents, for services;

Milo D. Ellis. To Milo D. Ellis, sheriff of Wabash county, for services, the sum of one dollar and forty cents;

A. J. Redman. To A. J. Redman, sheriff of Tipton county, for services, the sum of fifty cents;

John D. Wilson. To John D. Wilson, sheriff of Decatur county, for services, the sum of fifty cents;

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To William M. Campbell, sheriff of Randolph county, for services, the sum of sixty cents; W. M. Campbell.

To William B. Low, sheriff of Union county, for services, the sum of one dollar; Wm. B. Low.

To A. S. Jones, sheriff of Warren county, for services, the sum of one dollar and thirty cents; A. S. Jones.

To William Flemming, sheriff of Allen county, for services, the sum of fifty cents; Wm. Flemming.

To J. W. Johnson, sheriff of Owen county, for services, the sum of one dollar and sixty cents; J. W. Johnson.

To Thomas Lyons, sheriff of Fountain county, for services, the sum of one dollar and thirty cents; Thomas Lyon.

To Silas D. Huckleberry, sheriff of Jennings county, for services, the sum of one dollar and forty cents; Silas D. Huckleberry.

That Ambrose McKenzie, Assistant Sergeant-at-arms, be allowed the sum of three dollars and twenty cents; A. McKenzie

That S. H. Caskey, sheriff of Rush county, be allowed the sum of one dollar and eighty cents. S. H. Caskey.

E. Ellis Campbell,			E. E. Campbell.
For one day's attendance, ...		2 00	
Henry Bigler,			Henry Bigler.
For one day's attendance,.....		2 00	
George C. Merrifield,			G. C. Merrifield.
For 382 miles travel,.....	19 10		
Three days' attendance,.....	6 00		
		25 10	
Washington Malick,			Wash. Malick.
For 138 miles travel,.....	6 90		
Three day's attendance,.....	6 00		
		12 90	
Isaac W. Tackett,			I. W. Tackett.
For 44 miles travel,.....	2 20		
Two days' attendance,.....	4 00		
		6 20	
John D. Montgomery,			John D. Montgomery.
For 100 miles travel,.....	5 00		
Three days' attendance,.....	6 00		
		11 00	
John Witherow,			John Witherow.
For 46 miles travel,.....	2 00		
Two days' attendance,.....	4 00		
		6 00	
George Tague,			George Tague.
For one day's attendance,.....		2 00	

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D. H. Crouse. David H. Crouse,
For 144 miles travel,..... 7 20
Three days' attendance,..... 6 00
13 20

N. J. Jackson. N. J. Jackson,
For 80 miles travel,..... 4 00
Two days' attendance,..... 4 00
8 00

W. R. Bowes. Wm. R. Bowes,
For one day's attendance,..... 2 00

J. D. Defrees. J. D. Defrees,
For three days' attendance,..... 6 00

S. Brookshire. Swan Brookshire,
For 126 miles travel,..... 6 30
Three days' attendance,..... 6 00
12 30

J. Montgomery. James Montgomery,
For 244 miles travel,..... 11 20
Three days' attendance,..... 6 00
17 20

C. D. Murry. Charles D. Murry,
For 110 miles travel,..... 5 50
Four days' attendance,..... 8 00
13 50

R. M. Hudson. R. M. Hudson,
For one day's attendance,..... 2 00

Larry Kenedy. *Ordered*, That an allowance be recommended to Larry Kenedy of two dollars a day for fourteen days attendance as door-keeper to the committee.

Milton Gregg. Milton Gregg,
For 224 miles travel,..... 11 20
Three days' attendance,..... 6 00
17 20

John Weston. John Weston,
For 400 miles travel,..... 20 00
Three days' attendance,..... 6 00
26 00

A. P. Clark. A. P. Clark,
For 396 miles travel,..... 19 80
Three days' attendance,..... 10 00
29 80

A. F. Brothwell. A. F. Brothwell,
For 400 miles travel,..... 20 00
Three days' attendance, ... 6 00
26 00

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J. H. Thomas,			J. H. Thomas.
For 190 miles travel,.....	9 50		
Four days' attendance,.....	8 00		
		17 50	
J. D. Skeen,			J. D. Skeen.
For one day's attendance,.....		2 00	
A. R. McCleary,			A. R. McCleary.
For 170 miles travel,.....	8 50		
Three days' attendance,.....	6 00		
		14 50	
Minor Meeker,			Minor Meeker.
For 116 miles travel,.....	6 50		
Three days' attendance,.....	6 00		
		12 50	
John R. Cravens,			J. R. Cravens.
For 172 miles travel,.....	8 60		
Three days' attendance,.....	6 00		
		14 60	
Lewis Burke,			Lewis Burke.
For 138 miles travel,.....	6 90		
Three days' attendance,.....	6 00		
		12 90	
J. W. Purson,			J. W. Purson.
For 100 miles travel,.....	5 00		
Three days' attendance,.....	6 00		
		11 00	
James M. Mathes,			Jas. M. Mathes.
For 218 miles travel,.....	10 90		
Three days' attendance,.....	6 00		
		16 90	
Charles S. Ellis,			Chas. S. Ellis.
For 200 miles travel,.....	10 00		
Four days' attendance,.....	8 00		
		18 00	
A. V. Bartholomew,			A. V. Bartholomew.
For 300 miles travel,.....	15 00		
Three days' attendance,.....	6 00		
		21 00	
V. J. Burnet,			V. J. Burnet.
For 146 miles travel,.....	7 30		
Three days' attendance,.....	6 00		
		13 30	
George W. Monks,			G. W. Monks.
For 144 miles travel,.....	7 20		
Three days' attendance, ...	6 00		
		13 20	

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D. C. Branham. D. C. Branham,

For 172 miles travel,.....	8 60	
Three days' attendance,.....	6 00	
		14 60

John Pettit. John Pettit,

For one day's attendance,.....		2 00

C. K. Drew. Cyrus K. Drew,

For 390 miles travel,.....	19 50	
Four days' attendance,.....	8 00	
		27 50

M. W Shields Meedy W. Shields,

For 120 miles travel,.....	6 00	
Three days' attendance,.....	6 00	
		12 00

O P. Gilham. O. P. Gilham,

For 300 miles travel,.....	15 00	
Three days' attendance,.....	6 00	
		21 00

David S. Lewis. David S. Lewis,

For 270 miles travel,.	13 50	
Three days' attendance,.....	6 00	
		19 50

James M. Ray. James M. Ray,

For two days' attendance,.....		4 00

David Crane. David Crane,

For 228 miles travel,.....	11 40	
Three days' attendance,.....	6 00	
		17 40

A. W. Landford. A. W. Landford,

For 150 miles travel,.....	7 50	
Three days' attendance,.....	6 00	
		13 50

John W. Talbott. John W. Talbott,

For two days' attendance,.....		4 00

J. W. Brodie. That James W. Brodie, sheriff of Sullivan county, be allowed the sum of two dollars and 60 cents.

R. M. Salyas. That R. M. Salyas, sheriff of Jefferson county, be allowed the sum of one dollar and eighty-six cents.

Martin Anthens. That Martin Anthens, sheriff of Knox county, be allowed the sum of one dollar and sixty cents.

John Wertz. That John Wertz, sheriff of Miami county, be allowed the sum of 20 cents.

Peter Bowman. That Peter Bowman, deputy sheriff of Steuben county, be allowed the sum of one dollar and eighty cents.

Wm. McCleary. That William McCleary, sheriff of Fayette county, be allowed the sum of one dollar and forty cents.

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That Enoch Broughman, sheriff of Jackson county, be allowed the sum of one dollar and fifty cents. E. Broughman.

That Morgan Chandler, sheriff of Hancock county, be allowed the sum of fifty cents. M. Chandler.

That Wilson R. McElhery, sheriff of Cass county, be allowed the sum of fifty cents. W. McElhery.

Joshua S. McDowell, sergeant-at-arms, for services as such, the sum of six hundred and thirty-one dollars and five cents, and as compensation for correspondence with sheriffs and postage in that behalf expended, the sum of fifteen dollars. J. S. McDowell

D. C. Shanks, assistant sergeant-at-arms, for services as such, the sum of one hundred and seventy-nine dollars and forty cents. D. C. Shanks.

F. A. McDowell, assistant sergeant-at-arms, for services as such, the sum of fifty-three dollars and ninety cents. F. A. McDowell.

John L. Dew, assistant sergeant-at-arms, for services as such, the sum of two dollars and sixty cents. John L. Dew.

J. W. Plummer, assistant sergeant-at-arms, for services as such, the sum of seven dollars and twenty cents. J. W. Plummer

John L. Menaugh, assistant sergeant-at-arms, for services as such, the sum of thirty dollars and ninety cents. J. L. Menaugh

George W. Randall, assistant sergeant-at-arms, for services as such, the sum of fourteen dollars and forty cents. G. W. Randall.

George W. Burns, assistant sergeant-at-arms, for services as such, the sum of five dollars. G. W. Burns.

—— Buckles, assistant sergeant-at-arms, for services as such, the sum of six dollars and twenty cents. —— Buckles.

John Rae, assistant sergeant-at-arms, for services as such, the sum of seven dollars and twenty cents. John Rae.

David Kilgore,			avid Kilgore.
For one day's attendance,.....		2 00	
David Cain,			David Cain.
For 200 miles travel,.....	10 00		
Three days' attendance,.....	6 00		
		16 00	
R. Schoonover,			R. Schoonover.
For 390 miles travel,.....	14 50		
Four days' attendance,.....	8 00		
		22 50	
Samuel J. Anthony,			S. J. Anthony.
For 381 miles travel,.....	15 40		
Three days' attendance,.....	6 00		
		21 40	

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George C. Clark.	George C. Clark,		
	For 90 miles travel,.....	4 50	
	Three days' attendance,.....	6 00	
			10 50
James Dick.	James Dick,		
	For three days' attendance,.....		6 00
T. D. Fouts.	Thomas D. Foutz,		
	For 216 miles travel,.....	10 80	
	Three days' attendance,.....	6 00	
			16 80
Sol. Meredith.	Sol. Meredith,		
	For 106 miles travel,.....	5 30	
	Two days' attendance, ...	4 00	
			9 30
E. Dumont.	E. Dumont,		
	For two days' attendance,.....		4 00
T. Cutshaw.	Townsend Cutshaw,		
	For 228 miles travel,.....	14 40	
	Four days' attendance, ...	8 00	
			22 40

CHAPTER IV.

AN ACT to amend the thirty-second section of An Act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana—for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State; approved June 21, 1852.

[APPROVED DECEMBER 22, 1858.]

Thirty-second section of act providing for election of assessors, &c., amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the thirty-second section of an act to provide for the valuation and assessment of the real and personal property, and the colleetion of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and auditor of State, approved June 21, 1852, and which reads as follows, to-wit:

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"SEC. 32. It shall be the duty of the president, secretary, agent, or other proper accounting officer of every rail road, plank road, turnpike road, slack water navigation, telegraph, and bridge company in this State, to furnish to the auditor of the county where their principal office is situated, a list of all the stock in said company, and its value, attested by the oath of the officer making the same, and shall furnish a statement dividing the aggregate amount of all the stock of such company amongst the several counties, in proportion to the value of the superstructure, buildings, and real estate of such company in each county, and if any such company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the president, secretary, cashier, treasurer, engineer or constructing agent of such company, to furnish the auditor of the county where the work first enters this State, a statement made under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned by such company within this State, the amount expended in the construction of said work within the lines of this State, and the amount invested in machinery and rolling stock of every kind; which said machinery and rolling stock shall be assessed for taxation in the same proportion to its total amount, that the length of the line of the work in this State, completed, bears to the entire length of the line of said work completed;" be and the same is hereby amended to read as follows, to-wit:

How amended.

It shall be the duty of the president, secretary, agent, or other proper accounting officer of every rail road, plank road, turnpike road, slack water navigation, telegraph and bridge company in this State, to furnish to the auditor of the county where their principal office is situated, a list of all the stock in said company and its value, excepting therefrom all lands and their value held in trust or owned by said company that are not used in running or operating their said rail road, plank road, turnpike road, slack water navigation, telegraph or bridge, which list shall be attested by the oath of the officer making the same, and the said officer shall furnish a statement dividing the aggregate amount of said stock amongst the several counties in proportion to the value of the superstructure, buildings, and real estate owned and used by such company in operating and carrying on their said business in each county, and if any such company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the president, cashier, secretary, treasurer, engineer, [or] constructing agent of such company to furnish the auditor of the county where the work first enters the State, a statement under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned and used by such company in running and operating their said rail road, plank road, turnpike road, slack water navigation, telegraph or bridge within this State, the amount expended

Company or corporation to furnish auditor of county a list of stock, its value, &c.

List to be sworn to

Stock to be divided in counties where superstructure buildings, &c., situated.

When the principal office of company is not in this State.

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in the construction of said work within the lines of this State, and the amount invested in machinery and rolling stock of every kind, which said machinery and rolling stock shall be assessed for taxation in the same proportion to its total amount, that the length of the line of the work in this State, completed, bears to the entire length of the line of said work completed, and all the lands owned or held in trust by any of the aforesaid companies, and not used by them in running or operating their said rail road, plank road, turnpike road, slack water navigation, telegraph or bridge, shall be assessed for taxation, and the taxes collected in the counties where they severally lie, in the same manner and subject to the same rules and regulations that govern the assessment and collection of taxes on the lands of private persons.

CHAPTER V.

AN ACT to provide for the incorporation of associations heretofore formed for building towns within this State, and for the transfer to such corporation of real estate, the titles to which have been taken in the names of trustees.

APPROVED DECEMBER 22, 1858.

Towns may be incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That where any persons may have heretofore associated themselves together for the purpose of building a town within any county in this State, they may be incorporated as hereinafter provided.

Notice of organization to be given 21 days before meeting.

SEC. 2. Notice of the intention to organize such corporation, and of the time and place of holding the first meeting, signed by one or more persons, shall be published in some newspaper of the county where such town has been located, or if none, then in some newspaper of an adjoining county, for at least twenty-one days before such meeting is held.

President and Secretary to be chosen at first meeting.

Secretary to furnish a statement of name, object, &c.

SEC. 3. At such first meeting a temporary or permanent presiding officer and secretary shall be selected, and a written statement prepared specifying the object of such association, its name, and the time and manner of giving such notice, to be signed by such presiding officer and secretary.

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To Recorder.

SEC. 4. Such statement, and a copy of such published notice, shall be filed in the office of the recorder of such county, and by him shall be recorded in the record of deeds, for which he shall be entitled to a fee of two dollars.

Recorder's fee $2

Meeting to consist of 20 or more persons.

SEC. 5. It shall not be necessary for a majority of the members of such association to be present at such first meeting, but any twenty or more shall be sufficient to hold the meeting and organize the corporation.

To be deemed a body corporate, have seal, make by-laws, &c.

SEC. 6. From the time of filing such statement as aforesaid, such association shall be deemed and held a body corporate and politic by the name selected as aforesaid, with full powers to sue and be sued, contract and be contracted with, have a common seal, make laws for their own government, and may exercise all such other powers as are incident to corporations, for the purpose of carrying into effect the object of their association.

May acquire and own real estate.

SEC. 7. Such corporation may acquire, by purchase or otherwise, real estate, and may hold and convey the same, or any part thereof, in such manner as they may see fit; but nothing herein contained shall be so construed as to exempt such lands from taxation as other lands are taxed.

Shall keep a record of proceedings.

SEC. 8. Such corporation shall keep a record of its proceedings, and such record or copies thereof, duly attested by its clerk or secretary, may be read in evidence in all suits at law where the interests of such corporation are concerned.

Towns having purchased real estate heretofore by trustees, shall have land conveyed to association.

SEC. 9. Wherever any persons have associated for the purpose aforesaid, and have purchased real estate prior to the passage of this act, and have taken deeds to one or more persons in trust for such association, and such association shall hereafter become incorporated under the provisions of this act, then such trustees may and shall convey to such corporation all such real estate, and shall assign to such corporation all such title-bonds as may have been executed to them in trust for such association, and such conveyances and assignment shall pass as good and perfect a title to such corporation for such lands as if such association had been incorporated at the date of the execution of such deeds, and said deeds had been executed to the corporation.

Emergency declared to exist.

SEC. 10. Whereas, there are one or more associations in this State formed for the purpose mentioned in this act: and whereas, it is important that the titles to their lands should be at once adjusted; it is hereby declared that an emergency exists, aad that this act shall be in force from and after its passage.

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CHAPTER VI.

AN ACT to vest in the assignees of the Branches of the State Bank of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said Bank, the possession, collection, and enjoyment of the assets so assigned, and to have legal process, and to give acquittances in their own names, and to secure to them other rights.

APPROVED DECEMRER 23, 1858.

Assignee or transfer of any branch of State Bank to have same powers as such branch.

Be it enacted by the General Assembly of the State of Indiana, That where any of the Branches of the State Bank of Indiana, in the process of winding up their business, may have made, or before the expiration of the charter of said Bank shall make to any person or persons, or to any body corporate by order or resolution of their Board of Directors, or by an agent for that purpose appointed by such order, a transfer and assignment of all or any part of their personal property, bonds, mortgages, judgments, decrees, notes, bills, accounts, claims, choses in action, or other assets, (except real estate) whether such transfer and assignment be made in trust, or by way of absolute sale and conveyance for the use of said transferee or assignee, the same shall vest in the party to whom such transfer or assignment is made, the right to enforce the possession, collection, and enjoyment, in his or their own name or names, for any of the purposes last aforesaid, to have and issue any summons, *scire facias*, *fieri facias*, or legal process, and to prosecute the same, and to give in like manner in his or their own name or names any acquittance or acknowledgment of satisfaction which such Branch or the State Bank of Indiana for its use might have given in the premises if such assignment had not been made. And all liens created by any such mortgage, decree, or judgment, shall continue in favor of such assignee or assignees. The provisions of this act shall continue as well after the expiration of the charter of the said State Bank as before, but shall not vest in such assignee or assignees any other or greater rights than such Branch or the State Bank of Indiana for its use might have had in the premises, except as to the duration of the period for its enforcement.

Provisions of this act to continue same after expiration of charter of State Bank as before.

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It is hereby declared that an emergency exists for the passage of this act, and the same shall be in force from and after its passage. Emergency.

CHAPTER VII.

AN ACT to authorize Churches to form a union, assume a new name, appoint trustees, and to enable them to receive conveyances of lands, and donations of personal property.

APPROVED DECEMBER 21, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, When the members of two or more churches desire to form a union, and assume a new name, be and they are hereby authorized so to do, by each church appointing three of its members as trustees, who shall, within twenty days after their appointment, meet at a time and place agreed upon, and regularly organize by appointing one of their number chairman, and another secretary of their meeting, and when so organized, they shall agree upon the name that the united churches shall thereafter assume. Two or more churches authorized to form union and appoint trustees.

SEC. 2. The secretary shall record the proceedings of said meeting in a record to be kept for that purpose, and shall, within ten days thereafter, deposit in the recorder's office of the county where said church shall hold its place of worship, a certificate setting forth the names of the old churches that have united, the name of the new church, and the names of the trustees thereof, and the recorder shall record the same among the records of deeds in his office. To keep record of proceedings, to be recorded in recorder's office.

SEC. 3. Said trustees so appointed shall be the trustees of said new church until their successors shall be duly elected and qualified, and shall be deemed a body politic and corporate by the name and style of the "Trustees of ———," and by that name shall have power to contract and be contracted with, sue and be sued, to receive and dispose of real and personal estate, for the sole use and benefit of said new church, in like manner and with like effect as other persons or corporations. Trustees appointed as above, to be trustees of new church.

SEC. 4. After said certificate is recorded in the recorder's office, as provided in section two of this act, it Trustees of old churches to convey to trustees of

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new churches lands, &c., belonging to old churches.

shall be lawsul for the trustees of said churches that have united to convey by deed to the trustees of the new church, and their successors in office, all lands belonging to said old churches, which deeds shall be recorded in the recorder's office where said lands are situate, and also to deliver to said trustees of said new church all articles of personal property belonging to said old churches, a list of the articles of personal property so delivered shall be recorded by the secretary of said new church, in the church record as aforesaid. which articles of personal property and real estate shall be held by said trustees of new church, and their successors in office, for the use and benefit of said new church.

Old churches to cease to exist when property is transferred to new church.

SEC. 5. So soon as the trustees of said old churches shall have made said conveyance of lands, and delivery of personal property, as aforesaid, to said trustees of new church, said old churches from and after that time shall cease to exist, and all rights, powers, privileges, and liabilities belonging thereto, shall from and after that time vest in and attach to the new church so organized as aforesaid, with full power to the trustees thereof to sue and be sued, the same as the trustees of the old churches could before they ceased to exist.

New church may pass by-laws.

SEC. 6. Such new church, when organized as aforesaid, shall have full power to establish all necessary by-laws, and make all needful regulations to carry out the objects of its organization.

And elect officers.

SEC. 7. Such new church may appoint or elect a treasurer, and such other officers as it may see fit to carry on its organization.

Emergency.

SEC. 8. There being no law in this State authorizing the union of churches as in this act provided; and whereas, there are churches in the State desirous of uniting immediately, be, and it is hereby declared that an emergency exists for the immediate taxing effect of this act, and that the same shall be in force from and after its passage.

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CHAPTER VIII.

AN ACT to repeal an act entitled "An act authorizing the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river, in the State of Indiana," approved March 7th, 1857.

APPROVED DECEMBER 21, 1858.

An act in relation to the Calumet feeder dam.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act authorizing the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river, in the State of Indiana, approved March 7th, 1857, be and the same is hereby repealed.

Repealed.

Emergency.

SEC. 2. As there is a large portion of land now overflowed by the maintenance of the Calumet feeder dam, and as the Illinois company have failed to comply with the conditions of the law, it is hereby declared that an emergency exists requiring the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER IX.

AN ACT to authorize and empower the county commissioners or board doing county business in any county, to take possession of and control any and all plank, gravel, and Macadamized roads in their respective counties which may have been abandoned by the corporations constructing and maintaining the same.

APPROVED DECEMBER 23, 1858.

Board of Commissioners to take possession of turnpikes, &c., when abandoned by company.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for the county commissioners of any county in this State, or the board doing county business therein, to

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take possession of and control all plank, gravel, or macadamized roads within their respective counties, whenever the same shall have been abandoned and suffered to go out of repair by the corporation constructing the same.

And annex same to road districts.

SEC. 2. Said board shall have authority, and it shall be its duty, to annex said road for repair to contiguous and appropriate road districts, and require the supervisor thereof to keep the same in repair as other roads are maintained and repaired. *Provided, however*, That nothing in this act shall be so construed as to effect any plank, gravel, and macadamized roads in any manner whatever, where the same has been leased or sold to any person or persons, or corporation, and has not been abandoned by any such person or corporation.

Proviso—This act not to affect roads that have been leased or sold.

Emergency.

SEC. 3. Whereas an emergency exists for the immediate taking effect of this act, on account of the non-repair of such abandoned roads in this State, it is therefore declared that this act shall take effect and be in force immediately upon its passage.

CHAPTER X.

AN ACT supplemental to an act entitled, "An act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location, approved March 2d, 1855," so as to provide for the re-location of county seats, and for the erection and preparation of county buildings, in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a Court House, and where a deed has been executed; to provide, also, for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property.

When two-thirds of the legal voters petition for removal of county seat.

APPROVED DECEMBER 22, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when two-thirds of the legal voters of any county in this State have, before the passage of this act, petitioned the board of commissioners of such county to re-locate the county seat of such county, designating the tract of land where such re-location is desired, and also designating a house stand-

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ing upon such land to be used as a Court House; and where a deed has been executed by any person or corporation having a legal title to such land conveying the same to such board for sites for a Court House and County Prison, or for purposes of re-location, such county seat shall be removed in the manner hereinafter provided.

Number voters, how estimated.

SEC. 2. For the purposes of this act, the number of voters at the general election in such county next preceding the presentation of such petitions to the board of commissioners, with twenty per centum added thereto, shall be considered the whole number of voters of such county.

Signatures to be sworn to.

SEC. 3. The affidavit of one or more person stating that the signatures to such petitions are genuine, and that the petitioners are legal voters of such county, shall be *prima facia* evidence that the facts so stated are true.

Assignment by law to county.

SEC. 4. If any incorporated town has any interest in or claim to such tract of land, or any part thereof, or to the improvements thereon under any title-bond or executory contract, then an assignment of such bond or contract by a majority of the board of trustees of such town to the board of commissioners of such county, by an order entered upon their book of proceedings, shall pass the whole title, interest, and claim of such town in such land and the improvements thereon, and a copy of such entry, certified by the clerk of said town, shall be at all times sufficient evidence of such assignment, and such board of trustees are hereby empowered to make such assignment, and any former assignment is hereby legalized and confirmed.

Evidence thereof.

Person agreeing to furnish building, &c. entitled to re-conveyance of property.

SEC. 5. When the person or corporation by whom such tract of land has been conveyed, has filed or shall file an agreement with such board of commissioners undertaking to erect a suitable building of stone for county offices, upon said site, in consideration of the re-conveyance to such person or corporation of a portion of said land, such agreement shall be received by such board, and upon the completion of such building, such commissioners shall re-convey said portion of land to the said person or corporation, and a deed executed by the said commissioner shall convey to such person or corporation a full and complete title therefor.

County treasurer to receive contributions for court house.

SEC. 6. Immediately after the passage of this act, the treasurer of every county where such petitions and deeds have been filed with the board of commissioners, shall receive contributions for the fitting of such house

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for a court house, and for the building of a county prison.

And be responsible on bond for the same.

SEC. 7. The treasurer and his sureties shall be responsible on their official bonds for the collection, safe keeping, and correct disbursement of said contributions.

When 3,500 contributed, treasurer to report to co. board.

SEC. 8. So soon as the sum of thirty-five hundred shall have been contributed, the treasurer shall report such contribution to the board of commissioners of such county, and for that purpose may, in connection with the county auditor, call a special meeting of the board of commissioners, in the manner provided by law for the calling special meetings of the county board.

County auditor issue proposals.

SEC. 9. The county auditor shall, immediately after the passage of this act, issue proposals for the building a county prison upon the site selected as aforesaid, and for the fitting up said house as a court house, the cost of the prison not to exceed two thousand dollars, and of the fitting up the house not to exeed eight hundred dollars, said work to be completed within six months.

Proposals to be published.

SEC. 10. Such proposals shall be published in some newspaper of the county for three weeks, if any there be, and the bids, and plans, and specifications must be filed in the auditor's office within one month thereafter.

County commissioners to let work.

SEC. 11. So soon as said treasurer shall report that he has received contributions to the amount of thirty-five hundred dollars in money, said board of commissioners shall immediately let such work to the best bidders, and shall take care that the work be put in progress at once, and shall make from time to time such payments to the contractor as shall ensure a speedy completion of the contract.

Work to be under supervision of two or more citizens of town

SEC. 12. Such building, fitting up and repairing, shall be conducted under the superintendance of one or more suitable person or persons resident of the town where such county seat is to be re-located, to be selected by such board, to whom no compensation shall be allowed.

Books, papers, &c., to be removed to new Which shall be

SEC. 13. At the expiration of six months after said work is let, as provided in section 11 of this act, provided such public buildings are completed, the board of commissioners shall cause all the books, papers, and furniture of the several courts and offices of the county, and of the county prison, and the occupants of such prison, if any there be, to be removed to such new site and buildings, and from the time of such removal, such

deemed the county seat.

new site shall be held and deemed to be the county seat of such county, and the courts of the county shall be

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there held, and the county business there transacted, as at the county seats of other counties.

This act, and how construed.

SEC. 14. This act shall be construed literally in favor of such re-location, so as to advance and carry into effect the wishes and intentions of such petitioners.

On failure of any party to perform duty. Common Pleas Court to enforce contracts.

SEC. 15. Should the said board of commissioners, or any county officer, fail or refuse to perform any duty required of them by this act, then, upon the affidavit of any one of said petitioners, the Circuit Court or Court of Common Pleas of said county shall enforce the performance of such duty by writ of mandate, as in other cases where a writ of mandate is provided by law.

Action against county board to be brought within one year.

SEC. 16. Every action against any county or the board of commissioners thereof, or against any individual that in any manner may arise or grow out of the re-location of a county-seat under the provisions of this act, shall be commenced within one year after the cause of action has accrued, and not afterwards: *Provided*, That any person under legal disability when such cause of action accrues, may bring an action within six months after such disability is removed.

Proviso, disability.

Old site and building to be reserved as seminary of learning.

SEC. 17. If in any county in this State the county seat be re-located under the provisions of this act, the board of commissioners shall then convey the building before occupied as a court house, with the lot of ground on which it stands, and the lot of ground upon which the building before occupied as a prison stands, with the improvements, to three trustees to be held by them forever for the use of a seminary of learning; and it shall be lawful for such trustees to add to their number and to appoint their successors.

Effect of this act explained.

SEC. 18. This act shall not be taken or considered as repealing any of the provisions of an act entitled "An act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location," approved March 2, 1855, to which this act is a supplement.

No money to be from general fund.

SEC. 19. Nothing in this act shall be so construed as to permit any money to be drawn from the general fund of the county treasury for the purpose of carrying out any of the provisions of this act.

Emergency.

SEC. 20. It being important that the petitions heretofore presented to the board of commissioners, for the purpose named in the first section of this act, should be acted on at once, it is hereby declared that an emergency exists, and that this act shall be in force from and after its passage.

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CHAPTER XI.

AN ACT To fix the time of holding the Courts of Common Pleas in the County of Bartholomew.

[APPROVED DECEMBER 15, 1858.]

C. P. Court to be held second Mondays in February, May, August, and November.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Courts of Common Pleas shall be held in the county of Bartholomew, on the second Mondays of February, May, August, and November of each year, and shall sit two weeks at each session thereof, if the business require it.

Process &c., how returnable.

SEC. 2. All process made returnable to said court at the time heretofore fixed for holding the session thereof, shall be and the same are hereby declared and made returnable to the terms of said courts as fixed by this act; and all business whatever, now pending in said courts heretofore continued until any future term thereof, is hereby continued until the term as fixed by this act; and all business whatever now pending in said court, heretofore continued until any future term thereof, is hereby continued until the term as fixed by this act, immediately succeeding the term heretofore fixed for holding such sessions. And all parties, officers, witnesses, and persons, are hereby required to take notice of the changes herein made.

Parties required to take notice of this act.

SEC. 3. All laws, and parts of laws, in conflict with the provisions of this act are hereby repealed.

Emergency.

SEC. 4. It is hereby declared that an emergency exists requiring the immediate taking effect of this act; and that it shall be published in the Indiana State Journal and Indiana State Sentinel, and be in force from and after its passage.

[Published in the *Journal* and *Sentinel* Dec. 15, 1858.]

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CHAPTER XII.

AN ACT to amend the first section of an Act entitled "An Act providing for extending the terms of Circuit Courts, by adjournment when the pending business shall be unfinished," approved February 12th, 1855, to authorize the Court or Judge to call and hold special terms, and to fix the compensation of the Judge for holding such adjourned and special terms, and of Prosecuting Attorneys while in attendance upon the same.

[APPROVED DECEMBER 24, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an Act entitled "An Act providing for extending the terms of Circuit Courts, by adjournment, when the pending business shall be unfinished," approved February 12th, 1855, which reads as follows, to wit:

"That if, at the close of any term of any Circuit Court of any county, or when it shall become necessary or proper for said Court to adjourn from any cause, the business pending therein shall not be finished, it shall be lawful for such Court to adjourn until some other certain time, to be specified in the adjourning order, of which public notice shall be given in some manner to be specified by said Court; and at such time such Court shall meet and continue in session so long as the business shall require; and such adjourned term shall be deemed a part of the regular term of such Court," be and the same is hereby amended so as to read as follows: Amended section.

That if at the close of any Circuit Court of any county, or where it shall become necessary or proper for said Court to adjourn from any cause, and the business pending therein shall be unfinished, it shall be lawful for such Court to adjourn until some other certain time, to be specified in such adjourning order, of which public notice shall be given in some manner to be specified by such Court; and at such time such Court shall meet and continue in session so long as the business shall require; and such adjourned term shall be deemed a part of the regular term of such Court; and such Court, or the Judge thereof, in vacation may, at his discretion, call a special term, and fix a time for the trial of any action or actions, or of all actions pending in said Court, when the complaint has been filed and process served ten days prior to the day fixed for such special term; and for the trial of any person or persons charged with felony, whether in jail or upon recognizance, causing

Court to give notice of adjournment and time of meeting.

Shall meet and continue as long as the business shall require it.

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Special term may be called.

notice to be given to such parties of such special term. Said Judge shall conduct the business of said special term under and subject to the same rules and regulations that govern Circuit Courts at any regular term thereof, and shall in all things have and possess the same authority, and all its orders, judgments and decrees shall have the same effect as if made and rendered at a regular term.

To have same rules, &c., and effect of regular terms.

Compensation of Judge and Prosecuting Attorney.

SEC. 2. Such Judge shall be allowed, as a compensation for his services in holding such special or adjourned term, for each and every day he shall serve, and in going to and returning from the place of holding the same, the sum of five dollars per day; and upon a certificate of the number of days served, signed and attested by the clerk, being presented to the Auditor of State, he shall issue his warrant on the State Treasurer for the amount of such services. The Prosecuting Attorney of the Circuit shall be allowed the sum of four dollars for his services in attending upon such special or adjourned term, for each and every day he shall serve, and in going to and returning from the place of holding the same, to be certified, attested and paid in the same manner provided for the compensation of said Judge.

Summoning jury.

SEC. 3. Whenever the Judge shall fix the time for holding such special term, the clerk shall, if the Judge require it, issue summons for the grand and petit jurors of the last preceding regular term, whose attendance shall be enforced in the same manner as if so summoned to appear at the regular term.

Emergency.

SEC. 4. Inasmuch as it is necessary that the powers herein conferred should be exercised immediately, an emergency exists for the immediate taking effect of this Act, and the same shall take effect and be in force from and after its passage. And the Auditor of State is hereby directed to forward a copy thereof to each of the Clerks and Judges of the Circuit Courts immediately, and to cause the same to be published in the *Indiana State Sentinel* and the *Indiana State Journal*.

[Published in *Sentinel* Dec. 28, 1858, and *Journal* Dec. 29, 1858.]

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CHAPTER XIII.

AN ACT to cure defects in the execution of deeds or in the certificate of acknowledgments of conveyances of real estate or any interest therein in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws.

[APPROVED DECEMBER 23, 1858.]

Effect of instruments acknowledged or executed not under seal.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all conveyances of lands or any interest therein, heretofore made by deed in writing, subscribed and duly acknowledged by the grantor, or by his attorney, and all certificates of acknowledgments of any conveyance of lands, or of any interest therein, taken before any person duly authorized to take such acknowledgments, and not required by law to have and keep an official seal of office, shall have the same legal effect as if such conveyance or certificate had been under seal, and the record thereof shall be as effectual notice to subsequent purchasers and for all purposes, as if the conveyance or certificate had been under seal, or an ink scroll.

Private seal ink scroll not necessary.

SEC. 2. Hereafter the affixing of a private seal or ink scroll, shall not be necessary to give validity to any conveyance of lands or of any interest therein, executed by a natural person, nor shall it be necessary for the officer taking the acknowledgment of the same, to use an ink scroll or seal, unless he be an officer required by law to keep an official seal.

Repealing clause.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

CHAPTER XIV.

AN ACT to regulate the collection of judgments and the sale of property on execution against any sheriff, constable, or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding moneys in a fiduciary capacity, or the securities of any or either of them.

[APPROVED DECEMBER 21, 1858.]

Judgments recovered against certain persons to be

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter all judgments re-

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collected without stay.

covered against any sheriff, constable, or other public officer, administrator, executor, or any other person or corporation, or the sureties of any or either of them, for money collected or received in a fiduciary capacity, or for a breach of any official duty, or for money or other article of value held in trust for another, shall be collectable without stay of execution, or benefit of the valuation or appraisement laws of this State.

CHAPTER XV.

AN ACT to repeal an act entitled "An Act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named,and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved Feb. 16, 1855.

[APPROVED DECEMBER 21, 1858.]

Prohibitory law repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved Feb. 16, 1855, be and the same is hereby repealed.

CHAPTER XVI.

AN ACT for the punishment of officers of elections for refusing or neglecting to receive the votes of legal voters.

[APPROVED DCEMBER 23, 1858.]

Officer refusing to receive votes guilty of misdemeanor.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any inspector or judge of any election held within this State, who shall knowingly and wilfully or corruptly, refuse or neglect to receive the vote of any legal voter, at any election held within this State, shall be deemed guilty of a misdemeanor, and on conviction thereof, in any court, having jurisdiction of misdemeanors, shall be fined in any sum not less than ten nor more than one hundred dollars.

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CHAPTER XVII.

AN ACT to amend section third of "An act regulating the licensing of Pilots at the falls of the Ohio, requiring bond and security of such Pilots, prohibiting any unlicensed person from acting as such Pilot, and providing for the compensation of such Pilots, and the revocation of their licenses," approved June 15, 1852.

[APPROVED DECEMBER 22, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section third of the above entitled act, which reads as follows, to-wit: Sec. 3 of An act &c., amended.

"SEC. 3. Every person not licensed as aforesaid, who shall openly or covertly act as such pilot, shall be liable to pay twenty dollars for the use of common schools, to be recovered in an action of debt in the name of the auditor of Clark county, for the use of such county, before any justice of the peace in said county. *Provided*, That any *bona fide* owner or navigator of a boat descending or ascending the Ohio river, may navigate said falls at his own risk," be and the same is hereby amended to read as follows, to-wit:

SEC. 3. Every person not licensed as aforesaid who shall openly or covertly act as such pilot, or in any manner whatever violate the provisions of this act, shall be fined twenty dollars for each and every violation thereof, said fine to be assessed and collected before any justice of the peace in Clark county for the benefit of the common schools, in the same manner that other fines are assessed and collected for misdemeanors. *Provided*, That any *bona fide* owner or navigator of a boat descending or ascending the Ohio river may navigate said falls at his own risk. How amended. Acting as pilot without license. How punished. Proviso.

CHAPTER XVIII.

AN ACT in relation to ventilating, repairing, and warming county prisons.

[APPROVED DECEMBER 18, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any Grand Jury of County Commissioners to repair, ventilate or warm

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Jail when condemned by grand jury.

any county in this State shall condemn any jail as unsafe, or shall recommend that better provision and accommodation shall be made for the prisoners as respects air, clothing, or heating the same, it shall be the duty of the Board of County Commissioners to cause said jail or prison to be repaired; and in all cases when there is insufficient ventilation or bedding, or when no provision is made for the heating of the jail wherein persons are confined, it is made the duty of the County Commissioners to cause the same to be done.

CHAPTER XIX.

AN ACT to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officer or person doing business in the counties, and have exercised corporate powers.

[APPROVED DECEMBER 21, 1858.]

Corporations in certain cases to be summoned constructively.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in any civil action now pending, or which may hereafter be brought in any court in this State, against any corporation created by the act of the General Assembly of this State, wherein it shall appear by the sheriff's return, that such corporation has no officer, or person authorized to transact its business, residing within the county where such corporation has been located, or has exercised its powers, upon whom process can be served, then such corporation may be constructively summoned in such action where a defendant is a foreign corporation, or by the personal service of summons out of the State, upon any officer of such corporation, or upon any person authorized to transact its business.

Emergency.

SEC. 2. Whereas there are now actions pending within this State, such as are contemplated in the foregoing section, which are delayed by reason of the inability to secure the service of process, it is therefore hereby declared that an emergency exists for the immediate taking effect of this act, and that this act be in force from and after its passage and publication in the Indiana State Sentinel, and Indiana State Journal.

[Published in *Sentinel* Dec. 28, 1858, and in *Journal* Dec. 29, 1858.]

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CHAPTER XX.

AN ACT to raise a revenue for State purposes for the years 1859 and 1860.

[APPROVED DECEMBER 21, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a tax for State purposes shall be, and is hereby authorized and directed to be levied upon each one hundred dollars of the value of all property entered for taxation in the general list of taxables for the years 1859 and 1860, as follows, to-wit: For the year 1859, twenty cents on each one hundred dollars, and fifty cents upon each poll subject by law to taxation, and for the year 1860 fifteen cents upon each one hundred dollars, and fifty cents upon each poll subject by law to taxation. Tax to be levied for 1859. For 1860.

SEC. 2. Whereas it is desirable that the taxes herein levied should be placed upon the tax duplicate, as soon after the assessment of the real and personal estate as possible, so that the treasurers may have the duplicates placed in their hands at an early day in the next year; And whereas it frequently happens that the laws are not distributed in the various counties until late in the summer, and in this case would not give the Auditors time to get the tax entered upon the duplicates as early as will be desired for 1859: Therefore in the opinion of this legislature, an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage. Emergency.

CHAPTER XXI.

AN ACT to provide for the re-appraisement and sale of school lands in cases therein mentioned.

[APPROVED DECEMBER 23, 1858.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That after the expiration of the term of four years from and after any appraisement and offer of sale of any lands in this State belonging to any township for school purposes, and such lands remain unsold, it shall be lawful to re-apprraise, sell, and School lands remaining unsold for five years to be re appraised and sold.

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dispose of said lands in the same manner that they would have been, had such lands not been previously offered for sale. *Provided, however,* That such appraised value shall not be below the minimum price as now affixed by law.

Emergency.

SEC. 2. Whereas, there are in some of the townships of this State lands belonging to such townships for school purposes, which have been offered for sale, and which yet remain unsold, and there are doubts existing as to the right of said townships to have said lands re-appraised and again offered for sale under any law of this State, therefore it is declared that an emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage.

CHAPTER XXII.

AN ACT to secure to the Sinking Fund a debt which the State owes to said Fund, and to provide for the payment of interest on said debt.

[APPROVED DECEMBER 23, 1858.]

Preamble. Sundry debts due Sinking Fund.

WHEREAS, The State, under an act of the Legislature of February 6, 1841, has become indebted to the Sinking Fund in the sum of fifty-nine thousand, six hundred and twenty-six dollars and sixty cents, ($59,626.60) bearing interest at the rate of six per cent. per annum,

AND WHEREAS, the State, under a joint resolution of the Legislature of January 31, 1842, has become farther indebted to said Fund in an unpaid balance of six hundred and sixteen thousand six hundred and eighty-one dollars and 44 cents, ($616,681.44) bearing in like manner interest as aforesaid, which two sums amount to six hundred and seventy-six thousand three hundred and eight dollars and four cents, ($676,308.04) on which the unpaid interest will amount, on the first day of January, 1861, to five hundred and eight thousand, five hundred and seventy-three dollars and thirteen cents, ($508,573.13) making, principal and interest together, the sum of one million, one hundred and eighty-eight thousand, two hundred and

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nineteen dollars and sixty-four cents, ($1,188,219.64) due to said Fund at said time, after having added three thousand, three hundred and thirty-eight dollars and forty-seven cents, ($3,338.47) for the printing of treasury notes paid for by said fund,

AND WHEREAS, the residue of all the assets and means of the Sinking Fund merges into and becomes part of the school fund of the State, when the Sinking Fund shall have redeemed the bank bonds, as bound to do by its continuation. Therefore,

State to issue 6 per cent. bond to Sinking Fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State shall issue, through its proper officers, a bond to the Sinking Fund for the sum of one million, one hundred and eighty-eight thousand, two hundred and nineteen dollars and sixty-four cents, ($1,188,219.64) which bond shall bear interest at the rate of six per cent. per annum, from and after the first day of January, 1861, payable annually.

Payable at pleasure of State.

SEC. 2. Said bond shall be made payble at any time at the pleasure of the State, unless through some unforeseen casuality all other resources of said Sinking Fund should be insufficient to redeem the Bank Bonds chargeable to said fund, when they become due, in which case the State shall pay so much of said bond as the exigency of the case may require, and such payment or payments shall be endorsed on said bond.

Provision in case Sinking Fund surrenders its means to some other fund or body corporate.

SEC. 3. In the event that the present Sinking Fund, after having redeemed the Bank Bonds and other obligations for which it is liable, should lawfully surrender, or be bound to surrender the residue of its means to some other fund or body corporate, instituted for the safe-keeping and managing the funds of the common schools of the State, then said bond or the balance due thereon shall be payable, to that same fund, or body corporate, but in no other event nor for any other purpose, shall this bond be transferable or assignable, nor shall it ever be pledged as security for the payment of any debt or obligation.

Interest to be paid annually.

SEC. 4. The interest on the bond as stated in section first, shall be paid annually by the Treasurer of State to the Commissioners of the Sinking Fund, and said Commissioners shall draw their warrant upon the Treasurer of the State for said interest when it becomes due, which warrant shall be filed with the Auditor of State, who shall thereupon draw his warrant upon the Treasurer of State for the amount therein specified in favor of said Sinking Fund Commissioners, which shall be

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paid out of any money not otherwise appropriated, and in the event specified in section three, that the bond should become payable to some other fund, or body corporate, then the officer or officers of said fund or body corporate shall be the recipient of said interest, and they shall have the power, and shall perform the duty as herein prescribed for the Commissioners of the Sinking Fund.

Bond. How executed.

SEC. 5. The bond as specified in section one shall be executed on permanent material by a person skilled in the art of penmanship, it shall set forth the substance contained in this act, and it shall be duly signed by the Governor, Auditor and Treasurer of State, and attested by the Secretary with the seal of State.

Bond to be kept by officers of Sinking Fund, or holder of bond.

SEC. 6. Said bond shall be securely kept by the officers of the Sinking Fund, or in the event mentioned in section three, by the proper officers of the fund or body corporate, to which it may have become payable as aforesaid.

CHAPTER XXIII.

AN ACT to enable the holders of unauthorized paper money to collect the amount thereof from any person, company or corporation, heretofore or hereafter issuing or aiding in the issue or circulation thereof.

[APPROVED DECEMBER 23, 1858.]

Any party having issued any "shinplaster" liable for the amount of its face.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person, company, or corporation, not authorized by the laws of this State, or any other State of the United States, who have made, issued or circulated, or caused to be made, issued or circulated, any bill, note, or promise to pay, in the nature, similitude or likeness of paper currency or bank bills, shall forfeit and pay by way of civil damages to any person holding the same, and who has received the said bills or notes in the course of business, and for which a valuable consideration has been paid or parted with, the full amount of the face thereof.

Any party that may issue liable

SEC. 2. Any person, company or corporation, not authorized by the laws of this State, or any other State

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of the United States, who shall make, issue, utter or circulate, or caused to be made, issued, uttered or circulated, any bill, note, or promise to pay, in the nature, similitude or likeness of paper currency or bank bills, shall forfeit and pay by way of civil damages, to any person holding the same, and who has received the said bills or notes in the course of business, and for which a valuable consideration has been paid or parted with, the full amount of the face therof. In like manner.

SEC. 3. *Be it further enacted*, That any person, company or corporation, who have heretofore made, issued, uttered or circulated, or caused the same to be done, any such bill, note or promise to pay, as in the last preceding section described, and who shall hereafter in any manner aid or encourage the further circulation of the same, either by holding out a promise that the same shall be redeemed, or otherwise, shall forfeit and pay by way of civil damages, to any person holding the same, and who has received the said bills or notes in the course of business, and for which a valuable consideration has been paid or parted with, the full amount of the face thereof. Same subject.

SEC. 4. In all prosecutions under the preceding sections of this act, the notes or bills as therein described, shall be received as evidence of the amount of damages the plaintiff is entitled to recover, and in any such trial it shall not be necessary to prove the execution of such bills or notes, unless the same is denied under oath; *Provided, however*, That if any bill, note or promise to pay as described in this act, shall be lost or destroyed, or shall be in the possession of the person, company or corporation, who issued the same, or any officer or agent or member of such company or corporation, such person, company or corporation not having redeemed the same, the same may be sued upon as a lost instrument, and it shall not be necessary to produce upon trial such bill, note or promise to pay. What considered evidence of the liability of the issuer.

SEC. 5. Inasmuch as a large amount of unauthorized paper currency is now in circulation throughout the State, and the holders thereof unable to collect the same, it is hereby declared that an emergency exists, requiring the immediate taking effect of this act, and the same shall therefore be in force from and after its passage and publication in the Indiana State Journal, and the Indiana State Sentinel. Emergency.

[Published in the *Journal* and *Sentinel* Dec. 24, 1858.]

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JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF INDIANA.

CHAPTER I.

A JOINT RESOLUTION directing the Treasurer of State to appropriate all public money in his hands as herein provided, and directing the Governor, Treasurer, and Auditor, to borrow of the Commissioners of the Sinking Fund, or elsewhere (giving the preference to said funds.)

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Treasurer of State be directed to appropriate all the public money in his hands, and beyond the sum which in his estimates, will be required to meet the current expenses of the State up to the 25th of January next, towards the payment of the interest on the foreign debt of the State, due on the first of January, 1859; and also, that the Governor, Treasurer, and Auditor of State, be directed to borrow of the Board of Sinking Fund Commissioners, or elsewhere, giving preference to said fund, whatever sum may be required for the payment of said interest; and to give therefor the necessary bonds or obligations of the State, bearing seven per cent. interest if necessary, payable either wholly or in part at the pleasure of the State, on or before the first day of April, 1861; and that the Board of the State Debt Sinking Fund, be directed, necessary in effecting such loan, to pledge for the payment thereof, any bonds or certificates of the State which are held by said Board of the State Debt Sinking Fund, and are now in the hands of said Auditor

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CHAPTER II.

WHEREAS, the Indiana State Board of Agriculture have memorialized the General Assembly in reference to a Geological Survey, and have stated that the vast agricultural, mineral resources of the State are comparatively unknown, would be rapidly developed was such a survey made and published; therefore,

Be it resolved, The Senate concurring, that a joint committee of sixteen be appointed, corresponding with the districts arranged by said Board, of which nine shall be of the House and seven of the Senate, to whom the whole subject shall be referred.

CERTIFICATE.

STATE OF INDIANA, } *Sct.*
SECRETARY'S OFFICE. }

I, Cyrus L. Dunham, Secretary of State of the State aforesaid, do hereby certify the foregoing to be true and complete copies, as appears from enrollments now on file in my office.

Witness my hand and the seal of the State, at Indianapolis, this 9th day of March, A. D. 1859.

{SEAL.}

CYRUS L. DUNHAM,
Secretary of State.

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